TITLE 39—POSTAL SERVICE

This title was enacted by Pub. L. 91-375, § 2, Aug. 12, 1970, 84 Stat. 719

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TABLE I

This Table lists the sections of former Title 39, The Postal Service, and indicates the sections of revised Title 39, Postal Service, which cover similar and related subject matter.

Title 39 former sections	*Title 39 new sections*
1	See 102, 2001.
2	See 403.
301	See 201.
302	See 203.
303	See 207.
304	See 203.
305	See 204.
306	See 206.
307	See 204.
308	Repealed.
308a	See 204.
309	See 402.
501	See 202, 401, 403, 404.
502	Omitted.
503	See 2002.
504	See 403.
505	See 407.
506	See 408.
507	See 404, 3622.
508	See 401.
509	See 404.
510	See 401.
701	See 403, 404.
702	See 403.
703	Omitted.
704	Omitted.
705	See 404, 406.
706	Omitted.
707	See 404.
708	See 404.
709	See 404.
710	See 404.
711	Repealed.
712	See 406, 2601.
901	601.
902	602.
903	603.
904	604.
905	605.
906	606.
2001	See 401.
2002	See 401.
2003	See 401.
2004	See 401.
2005	See 401.
2006	See 401.
2007	See 404.
2008	See 404.
2009	See 404.
2010	2201.
2011	See 404.
2101	See 401.
2102	See 401.
2103	See 401, 2002.
2104	See 401.
2105	See 401.
2106	See 401.
2107	Omitted.
2108	See 401.
2109	Omitted.
2110	See 401.
2111	See 401.
2112	See 401.
2113	See 2002.
2114	See 401, 410.
2115	See 401, 2002.
2116	See 2402.
2201	See 2002, 2004, 2401.
2202	See 2003.
2203	See 2401.
2204	See 2603.
2205	Omitted.
2206	See 2008.
2207	See 401, 2008.
2208	See 401, 2008.
2209	See 1001.
2210	See 2601.
2211	See 401, 2008.
2212	See 2601.
2231	See 2003, 2010.
2232	See 2003, 2010.
2233	See 2003, 2010.
2234	See 2003, 2010.
2301	See 101.
2302	See 101, 403, 3621-3623, 3641, 3661.
2303	See 2009, 3401, 3403, 3621-3623, 3627, 3641, 3661.
2304	See 2402, 3601, 3621-3628, 3641, 3661.
2305	Omitted.
2306	See 1005, 3621.
2331	See 2402.
2332	Repealed.
2401	See 2601.
2402	2602.
2403	See 2601.
2404	See 2601.
2405	Omitted.
2406	Omitted.
2407	See 404.
2408	2605.
2409	See 2603.
2410	2604.
2411	See 404.
2501	See 404.
2502	See 404.
2503	See 404.
2504	See 404.
2505	See 404.
2506	405.
2507	See 404.
2508	See 404.
2509	See 404.
2510	See 404.
3101	Omitted.
3103	1011.
3104	1009.
3105	See 1001, 1006.
3106	See 1003.
3107	Omitted.
3108	See 1001.
3111	Omitted.
3112	See 1010.
3113	See 1001.
3114	See 1001.
3115	See 1008.
3116	See 1001.
3301	See 1001.
3302	See 1001.
3303	See 1001.
3311	See 1001.

Title 39 former sections	Title 39 new sections
3312	See 1001.
3313	Omitted.
3314	Omitted.
3315	See 1001.
3316	Omitted.
3317	Omitted.
3331	See 1001.
3332	Omitted.
3333	See 1001, 1006.
3334	See 1005.
3335	See 1001.
3336	Omitted.
3337	See 1007.
3338	Omitted.
3339	Omitted.
3501	See 1003.
3502	Omitted.
3511	Omitted.
3512	Omitted.
3512A	Omitted.
3513	Omitted.
3514	Omitted.
3515	Omitted.
3516	Omitted.
3517	Omitted.
3518	Omitted.
3519	Omitted.
3520	Omitted.
3521	Omitted.
3522	Omitted.
3523	Omitted.
3524	Omitted.
3525	Omitted.
3526	Omitted.
3527	Omitted.
3528	Omitted.
3529	Omitted.
3530	Omitted.
3531	Omitted.
3541	Omitted.
3542	Omitted.
3543	Omitted.
3544	Omitted.
3551	See 1001.
3552	Omitted.
3553	Omitted.
3554	Omitted.
3555	Omitted.
3556	Omitted.
3557	Omitted.
3558	Repealed.
3559	Omitted.
3560	Omitted.
3571	See 1001.
3572	Omitted.
3573	Omitted.
3574	Omitted.
3575	Omitted.
3576	Omitted.
3577	Omitted.
3581	Omitted.
3582	Omitted.
4001	See 3001.
4002	See 3001.
4003	3003.
4004	3004.
4005	3005.
4006	3006.
4007	3007.
4008	Omitted.
4009	3008.
4010	3002.
4051	See 404.
4052	See 404.
4053	Omitted.
4054	Omitted.
4055	See 3681.
4056	Omitted.
4057	See 404, 3623.
4058	Omitted.
4059	Omitted.
4060	Omitted.
4101	See 404.
4102	See 404.
4103	See 404.
4104	See 407.
4105	See 404.
4106	Omitted.
4107	See 404.
4108	Omitted.
4109	See 404.
4110	Omitted.
4151	3201.
4152	3202.
4153	3203.
4154	3204.
4155	3205.
4156	3206.
4157	Repealed.
4158	See 3207.
4159	3208.
4160	3209.
4161	See 3210.
4162	See 3211.
4163	3212.
4164	3213.
4165	3214.
4166	3215.
4167	See 3216.
4168	3217.
4169	See 3401.
4170	See 3402.
4171	3218.
4251	See 3623.
4252	See 3682.
4253	Omitted.
4254	Omitted.
4301	Omitted.
4302	Omitted.
4303	See 3401.
4304	Omitted.
4305	See 3682.
4351	Omitted.
4352	Omitted.
4353	Omitted.
4354	Omitted.
4355	Omitted.
4356	Omitted.
4357	Omitted.
4358	See 3626, 3627.
4359	See 3626, 3627.
4360	Repealed.
4361	Repealed.
4362	Omitted.
4363	Omitted.
4364	Omitted.
4365	Omitted.
4366	Omitted.
4367	Omitted.
4368	Omitted.
4369	See 3685.
4370	Omitted.
4421	See 3626, 3627.
4422	See 3626, 3627.
4451	Omitted.
4452	See 3626, 3627.
4453	Omitted.
4551	Omitted.
4552	See 3682.
4553	Omitted.
4554	See 3626, 3627, 3682, 3683.
4555	Omitted.
4556	Omitted.
4557	Omitted.
4558	Omitted.
4559	Omitted.
4560	See 3401.
4651	Omitted.
4652	Repealed.
4653	See 3403.
4654	3404.
4655	3405.
5001	Omitted.
5002	Omitted.
5003	Omitted.
5004	Omitted.
5005	Omitted.
5006	Omitted.
5007	Omitted.
5008	Omitted.
5009	Omitted.
5010	Omitted.
5011	Omitted.
5012	Omitted.
5013	Omitted.
5101	Omitted.
5102	Omitted.
5103	Omitted.
5104	Omitted.
5105	Omitted.
5201	Omitted.
5202	Omitted.

Title 39 former sections	Title 39 new sections
5203	Omitted.
5204	Omitted.
5205	Omitted.
5206	Omitted.
5207	Omitted.
5208	Omitted.
5209	Omitted.
5210	Omitted.
5211	Omitted.
5212	Omitted.
5213	Omitted.
5214	Omitted.
5215	Omitted.
5216	Omitted.
5217	Omitted.
5218	Omitted.
5219	Omitted.
5220	Omitted.
5221	Omitted.
5222	Omitted.
5223	Omitted.
5224	Omitted.
5225	Omitted.
5226	Omitted.
5227	Omitted.
5228	Omitted.
5229	Omitted.
6001	See 404.
6002	See 404.
6003	Omitted.
6004	Omitted.
6005	See 101.
6006	Omitted.
6007	Omitted.
6008	Omitted.
6009	Omitted.
6101	See 5001.
6102	Omitted.
6103	See 5002.
6104	See 5005.
6105	5003.
6106	See 5004.
6107	See 101.
6201	See 5201.
6202	See 5202, 5210.
6203	See 5007, 5203.
6204	See 5203, 5204.
6205	See 5204.
6206	See 5205.
6207	See 5206.
6208	See 5207.
6209	See 5208.
6210	See 5209.
6211	Omitted.
6212	See 3662.
6213	See 5210.
6214	See 5211.
6215	See 5212.
6216	See 5213.
6301	See 5401.
6302	See 5402.
6303	See 5402.
6304	See 5403.
6305	Omitted.
6351	Omitted.
6352	Omitted.
6353	Omitted.
6354	Omitted.
6355	Omitted.
6401	See 5201.
6402	See 5005, 5215.
6402a	See 5214.
6403	See 5005.
6404	5601.
6405	See 5605.
6406	5602.
6407	See 5005.
6408	See 5605.
6409	Omitted.
6410	5603.
6411	See 5005.
6412	See 5005.
6413	See 5005, 5605.
6414	Omitted.
6415	Omitted.
6416	See 5005.
6417	Omitted.
6418	Omitted.
6419	Omitted.
6420	Omitted.
6421	Omitted.
6422	See 5005.
6423	See 5005.
6424	Omitted.
6425	Omitted.
6426	Omitted.
6427	Omitted.
6428	Omitted.
6429	Omitted.
6430	Omitted.
6431	Omitted.
6432	5006.
6433	See 5007.
6434	Omitted.
6435	5604.
6436	Omitted.
6437	Omitted.
6438	Omitted.
6439	Omitted.
6440	Omitted.

TABLE II

This Table lists the sections of revised Title 39, Postal Service, and indicates the sections of former Title 39, The Postal Service, which covered similar and related subject matter.

Title 39 new sections	Title 39 former sections
101	2301, 2302, 6005, 6107.
102	1.
201	301.
202	501.
203	302, 304.
204	305, 307, 308a.
205	
206	306.
207	303.
208	
401	501, 508, 510, 2001-2006, 2101-2106, 2108, 2110-2112, 2114, 2115, 2207, 2208, 2211.
402	309.
403	2, 501, 504, 701, 702, 2302.
404	501, 507, 509, 701, 705, 707-710, 2007-2009, 2011, 2407, 2411, 2501-2505, 2507-2510, 4051, 4052, 4057, 4101-4103, 4105, 4107, 4109, 6001, 6002.
405	2506.
406	705, 712.
407	505, 4104.
408	506.
409	
410	2114.
411	
412	
601	901.
602	902.
603	903.
604	904.
605	905.
606	906.
1001	2209, 3105, 3108, 3113, 3114, 3116, 3301-3303, 3311, 3312, 3315, 3331, 3333, 3335, 3551, 3571.
1002	
1003	3106, 3501.
1004	
1005	2306, 3334.
1006	3105, 3333.
1007	3337.
1008	3115.
1009	3104.
1010	3112.
1011	3103.
1201	
1202	
1203	
1204	
1205	
1206	
1207	
1208	
1209	
2001	1.
2002	503, 2103, 2113, 2115, 2201.
2003	2202, 2231-2234.
2004	2201.
2005	

Title 39 new sections	Title 39 former sections
2006	
2007	
2008	2206-2208, 2211.
2009	2303.
2010	2231-2234.
2201	2010.
2401	2201, 2203.
2402	2116, 2304, 2331.
2601	712, 2210, 2212, 2401, 2403, 2404.
2602	2402.
2603	2204, 2409.
2604	2410.
2605	2408.
3001	4001, 4002.
3002	4010.
3003	4003.
3004	4004.
3005	4005.
3006	4006.
3007	4007.
3008	4009.
3009	
3010	
3011	
3201	4151.
3202	4152.
3203	4153.
3204	4154.
3205	4155.
3206	4156.
3207	4158.
3208	4159.
3209	4160.
3210	4161.
3211	4162.
3212	4163.
3213	4164.
3214	4165.
3215	4166.
3216	4167.
3217	4168.
3218	4171.
3401	2303, 4169, 4303, 4560.
3402	4170.
3403	2303, 4653.
3404	4654.
3405	4655.
3601	2304.
3602	
3603	
3604	
3621	2302-2304, 2306.
3622	507, 2302-2304.
3623	2302-2304, 4057, 4251.
3624	2304.
3625	2304.
3626	2304, 4358, 4359, 4421, 4422, 4452, 4554.
3627	2303, 2304, 4358, 4359, 4421, 4422, 4452, 4554.
3628	2304.
3641	2302-2304.
3661	2302-2304.
3662	6212.
3681	4055.
3682	4252, 4305, 4552, 4554.
3683	4554.
3684	
3685	4369.
5001	6101.
5002	6103.
5003	6105.
5004	6106.
5005	6104, 6402, 6403, 6407, 6411-6413, 6416, 6422, 6423.
5006	6432.
5007	6203, 6433.
5201	6201, 6401.
5202	6202.
5203	6203, 6204.
5204	6204, 6205.
5205	6206.
5206	6207.
5207	6208.
5208	6209.
5209	6210.
5210	6202, 6213.
5211	6214.
5212	6215.
5213	6216.
5214	6402a.
5215	6402.
5401	6301.
5402	6302, 6303.
5403	6304.
5601	6404.
5602	6406.
5603	6410.
5604	6435.
5605	6405, 6408, 6413.

Positive Law

This title was enacted into law by Pub. L. 91-375, § 2, Aug. 12, 1970, 84 Stat. 719, which provided that: "Title 39, United States Code, is revised and reenacted, and the sections thereof may be cited as 39 U.S.C. § —".

Effective Dates

Pub. L. 91-375, § 15, Aug. 12, 1970, 84 Stat. 787, provided that:

"(a) Except as provided in subsection (b) of this section, this section and sections 9 through 13 of this Act [set out as notes below and under sections 1001, 1003, 1201, and 2004 of this title], and sections 202, 203, 205 (b) and (c), 206, and 401(2), and subchapter I of chapter 36 of title 39, United States Code [sections 3601 to 3604 of this title], as enacted by section 2 of this Act, shall become effective on the date of enactment of this Act [Aug. 12, 1970]. Except as otherwise provided in this Act [see Short Title note set out under section 101 of this title] the other provisions of this Act shall become effective within 1 year after the enactment of this Act [Aug. 12, 1970] on the date or dates established therefor by the Board of Governors and published by it in the Federal Register. References to the Postal Service in any provision of this Act [see Short Title note set out under section 101 of this title] (other than a provision referred to in the first sentence of this subsection) which becomes effective before the Postal Service commences operations shall be held and considered to refer to the Post Office Department until the Postal Service commences operations.

"(b) Sections 3010 and 3011 of title 39, United States Code, as enacted by section 2 of this Act, and sections 1735, 1736, and 1737 of title 18, United States Code, as enacted by section 6(j) of this Act, shall become effective on the first day of the sixth month which begins after the date of enactment of this Act [Aug. 12, 1970]."

The provisions of Title 39, as revised by Pub. L. 91-375, § 2, Aug. 12, 1970, 84 Stat. 719, are effective on the following dates:

Effective Aug. 12, 1970, pursuant to section 15(a) of Pub. L. 91-375:

Sections 202, 203, 205(b), (c), 206, 401(2), and 3601 to 3604.

Effective Feb. 1, 1971, pursuant to section 15(b) of Pub. L. 91-375:

Sections 3010 and 3011.

Effective Jan. 16, 1971, pursuant to Resolution No. 71-5 of the Board of Governors of the U.S. Postal Service:

Sections 207 and 402.

Effective Jan. 20, 1971, pursuant to Resolution Nos. 71-7, 71-8 and 71-10 of the Board of Governors of the U.S. Postal Service:

Sections 101, 204, 403, 404(2), 410(b)(1), (c)(4), 1003, 2004, 2401(b)(c), 3621 to 3628, 3641 and 3681 to 3685.

Effective Mar. 1, 1971, pursuant to Resolution No. 71-13 of the Board of Governors of the U.S. Postal Service:

Sections 1001 and 1002.

Effective Apr. 13, 1971, pursuant to Resolution No. 71-14 of the Board of Governors of the U.S. Postal Service:

Section 410(a), (b)(2) to (6), (c)(1) to (3), (5), (6).

Effective July 1, 1971, all other provisions of Title 39, pursuant to Resolution No. 71-9 of the Board of

Governors, which provided in part: "The Board of Governors establishes July 1, 1971, as the date upon which the Postal Service shall commence operations. All provisions of the Act [Pub. L. 91-375] not made effective on an earlier date shall become effective upon the commencement of operations."

SAVINGS PROVISIONS

Pub. L. 91-375, § 5, Aug. 12, 1970, 84 Stat. 774, provided that:

"(a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

"(1) which have been issued, made, granted, or allowed to become effective—

"(A) under any provision of law amended by this Act [see Short Title note set out under section 101 of this title]; or

"(B) in the exercise of duties, powers, or functions which are transferred under this Act [see Short Title note set out under section 101 of this title];

by (i) any department or agency, any functions of which are transferred by this Act [see Short Title note set out under section 101 of this title], or (ii) any court of competent jurisdiction; and

"(2) which are in effect at the time the United States Postal Service commences operations, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Postal Service (in the exercise of any authority vested in it by this Act [see Short Title note set out under section 101 of this title]), by any court of competent jurisdiction, or by operation of law.

"(b) The provisions of this Act [see Short Title note set out under section 101 of this title] shall not affect any proceedings pending at the time this section takes effect before any department or agency (or component thereof), the functions of which are transferred by this Act but such proceedings shall be continued before the Postal Service. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Postal Service (in the exercise of any authority vested in it by this Act), by a court of competent jurisdiction, or by operation of law.

"(c)(1) Except as provided in paragraph (2) of this subsection—

"(A) the provisions of this Act [see Short Title note set out under section 101 of this title] shall not affect suits commenced prior to the date this section takes effect; and

"(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act [see Short Title note set out under section 101 of this title] had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act [see Short Title note set out under section 101 of this title] shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Service or such official of that Service as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

"(2) If before the date on which any provision of this Act [see Short Title note set out under section 101 of this title] takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

"(A) such department or agency is transferred to the Postal Service; or

"(B) any function of such department, agency, or officer is transferred to the Postal Service;

such suit shall be continued by the Postal Service.

"(d) The amendment of any statute by this Act [see Short Title note under section 101 of this title] shall not release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

"(e) With respect to any function, power, or duty transferred by this Act [see Short Title note under section 101 of this title] and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer, or office so transferred, or functions of which are so transferred, shall be deemed to mean the officer or agency of the Postal Service in which this Act vests such function after such transfer.

"(f) Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act [see Short Title note under section 101 of this title], shall remain in force as rules or regulations of the Postal Service established by this Act, to the extent the Postal Service is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

"(g) Notwithstanding section 202 of title 39, United States Code, as enacted by section 2 of this Act, Governors of the Board of Governors of the Postal Service may be paid $300 a day for not more than 60 days of meetings in each of the first 2 years following the effective date of such section 202 [see section 15(b) of Pub. L. 91-375 set out as an Effective Date note above]."

Provisions of section 5 of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note above.

SEPARABILITY OF PROVISIONS; LEGISLATIVE CONSTRUCTION

Pub. L. 91-375, § 11, Aug. 12, 1970, 84 Stat. 785, provided that:

"(a) If a part of title 39, United States Code, as enacted by section 2 of this Act, is held invalid, the remainder of such title shall not be affected thereby; and if any other part of this Act [see Short Title note under section 101 of this title] is held to be invalid, the remainder of the Act shall not be affected thereby.

"(b) An inference of a legislative construction is not to be drawn by reason of a chapter in title 39, United States Code, as enacted by section 2 of this Act in which a section is placed nor by reason of the caption or catchline."

Provisions of section 11 of Pub. L. 91-375 effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note above.

CROSS REFERENCES

Pub. L. 91-375, § 6, Aug. 12, 1970, 84 Stat. 783, provided in part that:

"(o) Whenever any reference is made in any provision of law (other than this Act [see Short Title note under section 101 of this title] or a provision of law amended by this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department, such reference shall be considered a reference to the United States

Postal Service. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department shall be deemed a reference to the appropriate officer or employee of the United States Postal Service.

"(p) Whenever reference is made in any provision of law (other than this Act [see Short Title note under section 101 of this title] or provision of law amended by this Act), regulation, rule, record, or document to a postal inspector or chief postal inspector of the Post Office Department, such reference shall be deemed to be a reference to the appropriate officer or employee of the United States Postal Service who performs duties related to the inspection of postal matters.

"(q) Whenever reference is made in any law to title 39, United States Code, or provision of that title, as such title or provision existed prior to the effective date of this section [see Effective Date note above], that reference shall be considered a reference to the appropriate provision of title 39, as amended by section 2 of this Act, unless no such provision is included therein."

Provisions of section 6(o) to (q) of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note above.

PART I—GENERAL

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CHAPTER 1—POSTAL POLICY AND DEFINITIONS

Sec.
101. Postal policy.
102. Definitions.

§ 101. Postal policy

(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.)

Effective Date

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

Short Title of 1976 Amendment

Pub. L. 94-421, § 1, Sept. 24, 1976, 90 Stat. 1303 provided: "That this Act [amending sections 404, 2003, 2401, 3601, 3604, 3622, 3623, 3624, 3626, 3641, and 3683 of this title, and enacting provisions set out as notes under sections 404, 3601, 3624, 3641, and 3661 of this title] may be cited as the 'Postal Reorganization Act Amendments of 1976'."

Short Title

Pub. L. 91-375, § 1, Aug. 12, 1970, 84 Stat. 719, provided: "That this Act [which revised this title, enacted sections 1735 to 1737 of Title 18, Crimes and Criminal Procedure, amended section 356 of Title 2, The Congress, section 19(d)(1) of Title 3, The President, sections 101, 104(1), 2104, 2105, 3104, 3304a, 4301(1), 5102(c), 5303(a), 5304, 5312, 5314 to 5316, 5541(2), 6301(2)(ii), 6323, 7101, and 8344 of Title 5, Government Organization and Employees, sections 24 seventh par., 1701d-3(c), and 1701e(a) of Title 12, Banks and Banking, section 637(b)(15) of Title 15, Commerce and Trade, section 460l-1(f) of Title 16, Conservation, section 8 of Title 17, Copyrights, sections 12, 440, 441, 500, 501, 612, 876, 877, 1114, 1303, 1341, 1342, 1463, 1696(c), 1699, 1703, 1704, 1707, 1709 to 1713, 1715, 1716, 1716A, 1717(b), 1718, 1721 to 1725, 1729, 1730, 1733, and 3061 of Title 18, section 611(d) of Title 22, Foreign Relations and Intercourse, sections 72 fifth par., 129, and 724a of Title 31, Money and Finance, sections 356(f), 474(15), 615, 723, and 724 of Title 40, Public Buildings, Property, and Works, and section 2942(i) of Title 42, The Public Health and Welfare, repealed section 3327 of title 5 and section 1028 of title 31, and en-

acted provisions set out as notes below and under sections 201, 601, 1001, 1003, 1201, 2002, 2004, 3010, and 3621 of this title] may be cited as the 'Postal Reorganization Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 404, 1003, 2401, 5001 of this title.

§ 102. Definitions

As used in this title—

(1) "Postal Service" means the United States Postal Service established by section 201 of this title;

(2) "Board of Governors", and "Board", unless the context otherwise requires, mean the Board of Governors established under section 202 of this title; and

(3) "Governors" means the 9 members of the Board of Governors appointed by the President, by and with the advice and consent of the Senate, under section 202(a) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 2—ORGANIZATION

Sec.
201. United States Postal Service.
202. Board of Governors.
203. Postmaster General; Deputy Postmaster General.
204. Assistant Postmasters General; General Counsel; Judicial Officer.
205. Procedures of the Board of Governors.
206. Advisory Council.
207. Seal.
208. Reservation of powers.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1003 of this title.

§ 201. United States Postal Service

There is established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

TRANSFER OF FUNCTIONS; ABOLITION OF OFFICE

Section 4(a) of Pub. L. 91-375 provided that: "There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished."

Provisions of section 4(a) of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

TRANSITIONAL EXPENSES

Expenses of United States Postal Service from Aug. 12, 1970, until date of commencement of operations of Postal Service deemed administrative expenses of Post Office Department, see section 12 of Pub. L. 91-375, set out as a note under section 2004 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 102 of this title.

§ 202. Board of Governors

(a) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of $10,000 a year plus $300 a day for not more than 30 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 30 days.

(b) The terms of the 9 Governors shall be 9 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

(d) The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SAVINGS PROVISIONS

Payment to Governors of Board of Governors of Postal Service of $300 a day for not more than 60 days of meetings in each of first 2 years following effective date of this section [see Effective Date note above], notwithstanding this section, see section 5(g) of Pub.

L. 91-375, set out as a Savings Provisions note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 102, 203, 1001, 1005 of this title; title 2 section 356.

§ 203. Postmaster General; Deputy Postmaster General

The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 204. Assistant Postmasters General; General Counsel; Judicial Officer

There shall be within the Postal Service a General Counsel, such number of Assistant Postmasters General as the Board shall consider appropriate, and a Judicial Officer. The General Counsel, the Assistant Postmasters General, and the Judicial Officer shall be appointed by, and serve at the pleasure of, the Postmaster General. The Judicial Officer shall perform such quasi-judicial duties, not inconsistent with chapter 36 of this title, as the Postmaster General may designate. The Judicial Officer shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Postmaster General.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-7 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1001, 1005 of this title.

§ 205. Procedures of the Board of Governors

(a) The Board shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

(c) The Board shall act upon majority vote of those members who are present, and any 6 members present shall constitute a quorum for the transaction of business by the Board, except—

(1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

(3) as otherwise provided in this title.

(d) No officer or employee of the United States may serve concurrently as a Governor. A Governor may hold any other office or employment not inconsistent or in conflict with his duties, responsibilities, and powers as an officer of the Government of the United States in the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721.)

EFFECTIVE DATE

Subsecs. (a) and (d) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors, and subsecs. (b) and (c) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 206. Advisory Council

(a) There shall be a Postal Service Advisory Council of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of major mail users, and (3) 3 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(b) The Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section Part I of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory Councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the two-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a council established

by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 207. Seal

The seal of the Postal Service shall be filed by the Board in the Office of the Secretary of State, judicially noticed, affixed to all commissions of officers of the Postal Service, and used to authenticate records of the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

Effective Date

Section effective Jan. 16, 1971, pursuant to Resolution No. 71-5 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 208. Reservation of powers

Congress reserves the power to alter, amend, or repeal any or all of the sections of this title, but no such alteration, amendment, or repeal shall impair the obligation of any contract made by the Postal Service under any power conferred by this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 4—GENERAL AUTHORITY

Sec.
401. General powers of the Postal Service.
402. Delegation of authority.
403. General duties
404. Specific powers.
405. Printing of illustrations of United States postage stamps.
406. Postal services at Armed Forces installations.
407. International postal arrangements.
408. International money-order exchanges.
409. Suits by and against the Postal Service.
410. Application of other laws.
411. Cooperation with other Government agencies.
412. Nondisclosure of lists of names and address.

§ 401. General powers of the Postal Service

The Postal Service shall have the following general powers:

(1) to sue and be sued in its official name;

(2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;

(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

(5) to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;

(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2002 of this title;

(7) to accept gifts or donations of services or property, real or personal, as it deems, necessary or convenient in the transaction of its business;

(8) to settle and compromise claims by or against it;

(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

Effective Date

Cls. (1) and (3) to (10) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors and cl. (2) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 402. Delegation of authority

Except for those powers, duties, or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General under such terms, conditions, and limitations, including the power of redelegation, as it deems desirable. The Board may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to the Postmaster General or committees shall be consistent with other provisions of this title, shall not relieve the Board of full responsibility for the carrying out of its duties and functions, and shall be revocable by the Governors in their exclusive judgment.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 723.)

Effective Date

Section effective Jan. 16, 1971, pursuant to Resolution No. 71-5 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 403. General duties

(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. Except as provided in the Canal Zone Code, the Postal Service shall receive, transmit, and delivery throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 406 and 411 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. The Postal Service

shall serve as nearly as practicable the entire population of the United States.

(b) It shall be the responsibility of the Postal Service—

(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

(3) to establish and maintain postal facilities of such character and in such locations, that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 723.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 404. Specific powers

(a) Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

(5) to provide philatelic services;

(6) to provide, establish, change, or abolish special nonpostal or similar services;

(7) to investigate postal offenses and civil matters relating to the Postal Service;

(8) to offer and pay rewards for information and services in connection with violation of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; and

(9) to authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service.

(b)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

(2) The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider—

(A) the effect of such closing or consolidation on the community served by such post office;

(B) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

(C) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

(D) the economic savings to the Postal Service resulting from such closing or consolidation; and

(E) such other factors as the Postal Service determines are necessary.

(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

(5) A determination of the Postal Service to close or consolidate any post office may be appealed by any person served by such office to the Postal Rate Commission within 30 days after such determination is made available to such person under paragraph (3). The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

(B) without observance of procedure required by law; or

(C) unsupported by substantial evidence on the record.

The Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5

shall not apply to any review carried out by the Commission under this paragraph.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 94-421, § 9(a), Sept. 24, 1976, 90 Stat. 1310.)

AMENDMENTS

1976—Pub. L. 94-421 designated existing provisions as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 9(b) of Pub. L. 94-421 provided that: "The amendments made by subsection (a) of this section [amending this section] shall take effect on the day after the date on which the Commission on Postal Service transmits its final report under section 7(f)(1) of this Act [set out as a note under section 3661 of this title]."

EFFECTIVE DATE

Pars. (1), (3) to (9) of subsec. (a) of this section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors and par. (2) of subsec. (a) effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 405. Printing of illustrations of United States postage stamps

(a) When requested by the Postal Service, the Public Printer shall print, as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 17 section 8.

§ 406. Postal services at Armed Forces installations

(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 3401 of this title.

§ 407. International postal arrangements

(a) The Postal Service, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Postal Service construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

(b) The Postal Service shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 408. International money-order exchanges

The Postal Service may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 409. Suits by and against the Postal Service

(a) Except as provided in section 3628 of this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

(b) Unless otherwise provided in this title, the provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

(d) The Department of Justice shall furnish, under section 411 of this title, the Postal Service such legal representation as it may require, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 410. Application of other laws

(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

(b) The following provisions shall apply to the Postal Service:

(1) section 552 (public information), section 552a (records about individuals), section 552b (open meetings), section 3110 (restrictions on employment of relatives), section 3333 and chapters 71 (employee policies) and 73 (suitability, security, and conduct of employees), section 5520 (withholding city income or employment taxes), and section 5532 (dual pay) of title 5, except that no regulation issued under such chapters or section shall apply to the Postal Service unless expressly made applicable;

(2) all provisions of title 18 dealing with the Postal Service, the mails, and officers or employees of the Government of the United States;

(3) section 107 of title 20 (known as the Randolph-Sheppard Act, relating to vending machines operated by the blind);

(4) the following provisions of title 40:

(A) sections 258a-258e (relating to condemnation proceedings);

(B) sections 270a-270e (known as the Miller Act, relating to performance bonds);

(C) sections 276a-276a-7 (known as the Davis-Bacon Act, relating to prevailing wages);

(D) section 276c (relating to wage payments of certain contractors);

(E) chapter 5 (the Contract Work Hours Standards Act); and

(F) chapter 15 (the Government Losses in Shipment Act);

(5) the following provisions of title 41:

(A) sections 35-45 (known as the Walsh-Healey Act, relating to wages and hours); and

(B) chapter 6 (the Service Contract Act of 1965);

(6) sections 2000d, 2000d-1-2000d-4 of title 42 (title VI, the Civil Rights Act of 1964); and

(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668).

(8) The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156).

(c) Subsection (b)(1) of this section shall not require the disclosure of—

(1) the name or address, past or present, of any postal patron:

(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

(3) information prepared for use in connection with the negotiation of collective-bargaining agreements under chapter 12 of this title or minutes of, or notes kept during, negotiating sessions conducted under such chapter;

(4) information prepared for use in connection with proceedings under chapter 36 of this title;

(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500 square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40.

(2) The authority and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan numbered 14 of 1950 (title 5, appendix), and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under paragraph (1) of this subsection.

(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725; Pub. L. 91-656, § 8(a), Jan. 8, 1971, 84 Stat. 1955; Pub. L. 93-340, § 2, July 10, 1974, 88 Stat. 294; Pub. L. 94-82, title I, § 101, Aug. 9, 1975, 89 Stat. 419; Pub. L. 94-409, § 5(a), Sept. 13, 1976, 90 Stat. 1247; Pub. L. 94-541, title II, § 203, Oct. 18, 1976, 90 Stat. 2508.)

REFERENCES IN TEXT

Section 107 of title 20, known as the Randolph-Sheppard act, referred to in subsec. (b)(3), is section 1 of act June 20, 1936, ch. 638, 49 Stat. 1559, as amended. Said act of June 20, 1936, popularly known as the Randolph-Sheppard Act and also as the Randolph-Sheppard Vending Stand Act, is classified generally to

chapter 6A (§ 107 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Tables volume.

Sections 270a–270e, known as the Miller Act, referred to in subsec. (b)(4)(B), probably means act Aug. 24, 1935, ch. 642, 49 Stat. 793, as amended, popularly known as the Miller Act, which is classified generally to sections 270a to 270d of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 270a of Title 40 and Tables volume.

Sections 276a–276a-7, known as the Davis-Bacon Act, referred to in subsec. (b)(4)(C), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, popularly known as the Davis-Bacon Act, which is classified generally to sections 276a to 276a-5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables volume.

Chapter 5 (the Contract Work Hours Standards Act), referred to in subsec. (b)(4)(E), probably means title I of Pub. L. 87-581, Aug. 13, 1962, 76 Stat. 357, as amended, which is classified generally to subchapter II (§ 327 et seq.) of chapter 5 of Title 40, Public Buildings, Property, and Works, and was redesignated the Contract Work Hours and Safety Standards Act by section 2 of Pub. L. 91-54, Aug. 9, 1969, 83 Stat. 98. For complete classification of this Act to the Code, see Short Title note set out under section 327 of Title 40 and Tables volume.

Chapter 15 (the Government Losses in Shipment Act), referred to in subsec. (b)(4)(F), probably means act July 8, 1937, ch. 444, 50 Stat. 479, as amended, known as the Government Losses in Shipment Act, which is classified principally to chapter 15 (§ 721 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 721 of Title 40 and Tables volume.

The Walsh-Healey Act, referred to in subsec. (b)(5)(A), is act June 30, 1936, ch. 881, 49 Stat. 2036, as amended, which is classified generally to sections 35 to 45 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short title note set out under section 35 of Title 41 and Tables volume. See also section 262 of Title 29, Labor.

The Service Contract Act of 1965, referred to in subsec. (b)(5)(B), is Pub. L. 89-286, Oct. 22, 1965, 79 Stat. 1034, as amended, which is classified generally to chapter 6 (§ 351 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the code, see Short Title note set out under section 351 of Title 41 and Tables volume.

Title VI, the Civil Rights Act of 1964, referred to in subsec. (b)(6), is Pub. L. 88-352, title VI, July 2, 1964, 78 Stat. 252, which is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables volume.

Section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), referred to in subsec. (b)(7), is section 19 of Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1609, which enacted section 668 of Title 29, Labor, and amended section 7902 of Title 5, Government Organization and Employees.

The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156), referred to in subsec. (b)(8), probably means Pub. L. 90-480, Aug. 12, 1968, 82 Stat. 718, as amended, popularly known as the Architectural Barriers Act of 1968, which is classified generally to chapter 51 (§ 4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables volume.

Reorganization Plan numbered 14 of 1950 (title 5, appendix), referred to in subsec. (d)(2), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1976—Subsec. (b)(1). Pub. L. 94-409 added references to sections 552a and 552b of title 5.

Subsec. (b)(8). Pub. L. 94-541 added subsec. (b)(8).

1975—Subsec. (b)(7). Pub. L. 94-82 added subsec. (b)(7).

1974—Subsec. (b)(1). Pub. L. 93-340 inserted "section 5520 (withholding city income or employment taxes)," preceding "and section 5532 (dual pay)".

1971—Subsec. (b)(1). Pub. L. 91-656 inserted "section 3110 (restrictions on employment of relatives)," preceding "section 3333" and substituted "no regulation" for "not regulation".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-409 effective 180 days after Sept. 13, 1976, see section 6 of Pub. L. 94-409, set out as an Effective Date note under section 552b of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-340 effective on the 90th day following July 10, 1974, see section 3 of Pub. L. 93-340, set out as an Effective Date note under section 5520 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 8(b) of Pub. L. 91-656 provided that: "The provisions of this section shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act [set out as an Effective Date note preceding Part I of this title] for section 410 of title 39, United States Code, as enacted by that Act."

EFFECTIVE DATE

Subsecs. (a), (b)(2) to (6) and (c)(1) to (3), (5), (6) of this section effective Apr. 13, 1971, pursuant to Resolution No. 71-14 of the Board of Governors, subsecs. (b)(1), relating to section 552 of Title 5, Government Organization and Employees, and (c)(4) effective Jan. 20, 1971 pursuant to Resolution No. 71-10 of the Board of Governors, and subsec. (d) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3604 of this title.

§ 411. Cooperation with other Government agencies

Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them. The furnishing of property and services under this section shall be under such terms and conditions, including reimbursability, as the Postal Service and the head of the agency concerned shall deem appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 726.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 409 of this title.

§ 412. Nondisclosure of lists of names and addresses

Except as specifically provided by law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 6—PRIVATE CARRIAGE OF LETTERS

Sec.
601. Letters carried out of the mail.
602. Foreign letters out of the mails.
603. Searches authorized.
604. Seizing and detaining letters.
605. Searching vessels for letters.
606. Disposition of seized mail.

§ 601. Letters carried out of the mail

(a) A letter may be carried out of the mails when—

(1) it is enclosed in an envelope;

(2) the amount of postage which would have been charged on the letter if it had been sent by mail, is paid by stamps, or postage meter stamps, on the envelope;

(3) the envelope is properly addressed;

(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

(5) any stamps on the envelope are canceled in ink by the sender; and

(6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

(b) The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

STUDY OF PRIVATE CARRIAGE OF MAIL: REPORTS TO PRESIDENT AND CONGRESS

Section 7 of Pub. L. 91-375 required the Board of Governors of the United States Postal Service to make a study of the restrictions on the private carriage of letters and packets and to submit a report and recommendations for modernization to the President and to the Congress within 2 years after the effective date of this section.

Provisions of section 7 of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 602 of this title; title 18 section 1696.

§ 602. Foreign letters out of the mails

(a) Except as provided in section 601 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

(1) has not been regularly received from a United States post office; or

(2) does not relate to the cargo of the vessel.

(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727.)

§ 603. Searches authorized

The Postal Service may authorize any officer or employee of the Postal Service to make searches for mail matter transported in violation of law. When the authorized officer has reason to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

(2) article being, or having lately been, in the vehicle; or

(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 604. Seizing and detaining letters

An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Postal Service or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 728.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section

15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 605. Searching vessels for letters

An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Postal Service to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 728.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 606. Disposition of seized mail

Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 728.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

PART II—PERSONNEL

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CHAPTER 10—EMPLOYMENT WITHIN THE POSTAL SERVICE

Sec.
1001. Appointment and status.
1002. Political recommendations.
1003. Employment policy.
1004. Supervisory and other managerial organizations.
1005. Applicability of laws relating to Federal employees.
1006. Right of transfer.
1007. Seniority for employees in rural service.
1008. Temporary employees or carriers.
1009. Personnel not to receive fees.
1010. Administration of oaths related to postal inspection matters.
1011. Oath of office.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3604 of this title.

§ 1001. Appointment and status

(a) Except as otherwise provided in this title, the Postal Service shall appoint all officers and employees of the Postal Service.

(b) Officers and employees of the Postal Service (other than those individuals appointed under sections 202, 204, and 1001(c) of this title) shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures, in accordance with this title, to assure its officers and employees meaningful opportunities for promotion and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing.

(c) The Postal Service may hire individuals as executives under employment contracts for periods not in excess of 5 years. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any such individual without prejudice to his contract rights.

(d) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board or of the Postal Rate Commission) and as an officer or employee of any other department, agency, or establishment of the Government of the United States.

(e) The Postal Service shall have the right, consistent with section 1003 and chapter 12 of this title and applicable laws, regulations, and collective-bargaining agreements—

(1) to direct officers and employees of the Postal Service in the performance of official duties;

(2) to hire, promote, transfer, assign, and retain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

(4) to maintain the efficiency of the operations entrusted to it;

(5) to determine the methods, means, and personnel by which such operations are to be conducted;

(6) to prescribe a uniform dress to be worn by letter carriers and other designated employees; and

(7) to take whatever actions may be necessary to carry out its mission in emergency situations.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 728.)

EFFECTIVE DATE

Section effective Mar. 1, 1971, pursuant to Resolution No. 71-13 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

APPOINTMENT OF POSTMASTERS AND OTHER EMPLOYEES ON MERIT BASIS

Section 13 of Pub. L. 91-375 provided that:

"(a) [*Methods of Appointment; Order of Precedence; Status of Postmasters in Office*] Between the date of enactment of this Act [Aug. 12, 1970] and the date on which the Board of Governors of the United States Postal Service determines that section 1001 of title 39, United States Code (as enacted by section 2 of this Act), is effective, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service by one of the three following methods which shall be applied in the following order of precedence:

"(1) by selection of a qualified employee serving at the post office where the vacancy occurs, including an acting postmaster who was serving on January 1, 1969, who shall acquire a competitive status upon being appointed postmaster;

"(2) if no qualified employee serving at the post office where the vacancy occurs is available for, and willing to accept, appointment by the method described in subparagraph (1), by selection of a qualified employee serving in the postal field service; or

"(3) if no qualified employee is available for, and willing to accept, appointment by the methods described in subparagraph (1) or (2), by competitive examination in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service.

Enactment of this subsection shall not affect the status or tenure of postmasters in office on the date of enactment of this Act [Aug. 12, 1970].

"(b) [*Political Test Prohibition; Merit and Fitness Basis of Personnel Actions; Disciplinary Actions for Violations; Exceptions*] (1) In the selection, appointment, and promotion of employees of the Post Office Department between the date of enactment of this Act [Aug. 12, 1970] and the date on which the Board of Governors of the Postal Service determines that former section 3311 of title 39, United States Code, is no longer effective, no political test or qualification shall be permitted or given consideration, and all such personnel actions shall be taken on the basis of merit and fitness. Any officer or employee of the Post Office Department who violates this subsection shall be removed from office or otherwise disciplined in accordance with procedures for disciplinary action established pursuant to law.

"(2) This subsection does not apply to the selection and appointment of officers whose appointment is vested in the President, by and with the advice and consent of the Senate, or to the selection, appointment, or promotion to a position designated by the Civil Service Commission as a position of a confidential or policy-determining character or as a position to be filled by a noncareer executive assignment."

Provisions of section 13 of Pub. L. 91-375 effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

TRANSFER TO UNITED STATES POSTAL SERVICE OF POST OFFICE DEPARTMENT PERSONNEL

Section 8 of Pub. L. 91-375 provided that: "Officers and employees of the Post Office Department shall become officers and employees of the United States Postal Service on the effective date of this section. The provisions of this section shall not apply to persons occupying the positions of Postmaster General, Deputy Postmaster General, Assistant Postmasters General, General Counsel, or Judicial Officer. This section shall not be construed, however, to prohibit the appointment of such persons to positions in the Postal Service."

Provisions of section 8 of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1005 of this title.

§ 1002. Political recommendations

(a) Except as provided in subsection (e) of this section, each appointment, promotion, assignment, transfer, or designation, interim or otherwise, of an officer or employee in the Postal Service (except a Governor or member of the Postal Rate Commission) shall be made without regard to any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, made by—

(1) any Member of the Senate or House of Representatives (including the Resident Commissioner from Puerto Rico);

(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

(3) any official of a national political party or of a political party of any State (including the Commonwealth of Puerto Rico), county, city, or other subdivision of such State or Commonwealth; or

(4) any other individual or organization.

(b) Except as provided in subsection (e) of this section, a person or organization referred to in clause (1), (2), (3), or (4) of subsection (a) of this section is prohibited from making or transmitting to the Postal Service, or to any other officer or employee of the Government of the United States, any recommendation or statement, oral or written, with respect to any person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation. The Postal Service and any officer or employee of the Government of the United States, subject to subsection (e) of this section—

(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

(2) shall return any such written recommendation or statement received by him, appropriately marked as in violation of this section, to the person or organization making or transmitting the same.

(c) A person who requests or is under consideration for any such appointment, promotion, assignment, transfer, or designation is prohibited from requesting or soliciting any such recommendation or statement from any person or organization except a statement of the type referred to in subsection (e)(2) of this section.

(d) Each employment form of the Postal Service used in connection with any such appointment, promotion, assignment, transfer, or designation shall contain appropriate language in boldface type informing all persons concerned of the provisions of this section. During the time any such appointment, promotion, assignment, transfer, or designation is under consideration, appropriate notice of the provisions of this section printed in boldface type shall be posted in the post office concerned.

(e) The Postal Service or any authorized officer or employee of the Government of the United States may solicit, accept, and consider, and any other individual or organization may furnish or transmit to the Postal Service or such authorized officer or employee, any statement with respect to a person who requests or is under consideration for such appointment, promotion, assignment, transfer, or designation, if—

(1) the statement is furnished pursuant to a request or requirement of the Postal Service and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person;

(2) the statement relates solely to the character and residence of such person;

(3) the statement is furnished pursuant to a request made by an authorized representative of the Government of the United States solely in order to determine whether such person meets the loyalty, suitability, and character requirements for employment with the Government of the United States; or

(4) the statement is furnished by a former employer of such person pursuant to a request of the Postal Service, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.

(f) The Postal Service shall take any action it determines necessary and proper, including but not limited to suspension, removal from office, or disqualification from the Postal Service, to enforce the provisions of this section.

(g) The provisions of this section shall not affect the right of an officer or employee of the Postal Service to petition Congress as authorized by section 7102 of title 5.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 729.)

EFFECTIVE DATE

Section effective Mar. 1, 1971, pursuant to Resolution No. 71-13 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1003. Employment policy

(a) Except as provided under chapters 2 and 12 of this title or other provision of law, the Postal Service shall classify and fix the compensation and benefits of all officers and employees in the Postal Service. It shall be the policy of the Postal Service to maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy. No officer or employee shall be paid compensation at a rate in excess of the rate for level I of the Executive Schedule under section 5312 of title 5.

(b) The Postal Service shall follow an employment policy designed, without compromising the policy of section 101(a) of this title, to extend opportunity to the disadvantaged and the handicapped.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 730.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-8 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

COMPENSATION OF EMPLOYEES

Section 9 of Pub. L. 91-375 provided that:

"(a) [*Increase in Basic Pay Rate; Effective Date*] The Postmaster General, under regulations made by him, shall increase the rates of basic pay or compensation of employees in the Post Office Department so that such rates will equal, as nearly as practicable, 108 percent of the rates of basic pay or compensation in effect immediately prior to the date of enactment of this Act [Aug. 12, 1970]. Such increases shall take effect on the first day of the first pay period which begins on or after April 16, 1970.

"(b) [*Retroactive Pay*] Retroactive pay, compensation, or salary shall be paid by reason of this Act [see Short Title note under section 101 of this title] only in the case of an individual in the service of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act [Aug. 12, 1970], except that such retroactive pay, compensation, or salary shall be paid—

"(1) to an officer or employee who retired, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act [Aug. 12, 1970], for services rendered during such period; and

"(2) in accordance with subchapter VIII of chapter 55 of title 5, United States Code [section 5581 et seq. of Title 5, Government Organization and Employees], relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after April 16, 1970, and ending on the date of enactment of this Act [Aug. 12, 1970], by an officer or employee who died during such period.

Such retroactive pay, compensation, or salary shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of title 5, United States Code [section 8331 et seq. of title 5], relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased officer or employee.

"(c) [*Period for Restoration to Government Position, as Service*] For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Government of the United States.

"(d) [*Group Life Insurance; Amount; Effective Date*] For purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code [section 8701 et seq. of title 5], relating to group life insurance for Government employees, all changes in rates of pay, compensation, and salary which result from the enactment of this section shall be held and considered to become effective as of the date of such enactment [Aug. 12, 1970].

"(e) [*Limitation of Basic Pay Rate*] No rate of basic pay or compensation, in excess of the rate of basic pay for GS-18 of the General Schedule in section 5332 of title 5, United States Code, shall be paid by reason of the enactment of this section."

Provisions of section 9 of Pub. L. 91-375 effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1001 of this title.

§ 1004. Supervisory and other managerial organizations

(a) It shall be the policy of the Postal Service to provide compensation, working conditions, and career opportunities that will assure the attraction and retention of qualified and capable supervisory and other managerial personnel; to provide adequate and reasonably differentials in rates of pay between employees in the clerk and carrier grades in the line work force and supervisory and other managerial personnel; to establish and maintain continuously a program for all such personnel that reflects the essential importance of a well-trained and well-motivated force to improve the effectiveness of postal operations; and to promote the leadership status of such personnel with respect to rank-and-file employees, recognizing that the role of such personnel in primary level management is particularly vital to the process of converting general postal policies into successful postal operations.

(b) The Postal Services shall provide a program for consultation with recognized organizations of supervisory and other managerial personnel who are not subject to collective-bargaining agreements under chapter 12 of this title. Upon presentation of evidence satisfactory to the Postal Service that a supervisory organization represents a majority of supervisors, or that a managerial organization (other than an organization representing supervisors) represents a substantial percentage of managerial employees, such organization or organizations shall be entitled to participate directly in the planning and development of pay policies and schedules, fringe benefit programs, and other programs relating to supervisory and other managerial employees.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 731.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date a note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1005 of this title.

§ 1005. Applicability of laws relating to Federal employees

(a)(1) Except as otherwise provided in this subsection, the provisions of chapter 75 of title 5 shall apply to officers and employees of the Postal Service except to the extent of any inconsistency with—

(A) the provisions of any collective-bargaining agreement negotiated on behalf of and applicable to them; or

(B) procedures established by the Postal Service and approved by the Civil Service Commission.

(2) The provisions of title 5 relating to a preference eligible (as that term is defined under section 2108(3) of such title) shall apply to an applicant for appointment and any officer or employee of the Postal Service in the same manner and under the same conditions as if the applicant, officer, or employee were subject to the competitive service under such title. The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.

(3) The provisions of this subsection shall not apply to those individuals appointed under sections 202, 204, and 1001(c) of this title.

(b) Section 5941 of title 5 shall apply to the Postal Service. For purposes of such section, the pay of officers and employees of the Postal Service shall be considered to be fixed by statute, and the basic pay of an employee shall be the pay (but not any allowance or benefit) of that officer or employee established in accordance with the provisions of this title.

(c) Officers and employees of the Postal Service shall be covered by subchapter I of chapter 81 of title 5, relating to compensation for work injuries.

(d) Officers and employees of the Postal Service (other than the Governors) shall be covered by chapter 83 of title 5 relating to civil service retirement. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in such chapter. The Postal Service shall pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h) of title 5.

(e) Sick and annual leave, and compensatory time of officers and employees of the Postal Service, whether accrued prior to or after commencement of operations of the Postal Service, shall be obligations of the Postal Service under the provisions of this chapter.

(f) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the former Post Office Department or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Postal Service, until changed by the Postal Service in accordance with this chapter and chapter 12 of this title. Subject to the provisions of this chapter and chapter 12 of this title, the provisions of subchapter I of chapter 85 and chapters 87 and 89 of title 5 shall apply to officers and employees of the Postal Service, unless varied, added to, or substituted for, under this subsection. No variation, addition, or substitution with respect to fringe benefits shall result in a program of fringe benefits which on the whole is less favorable to the officers and employees than fringe benefits in effect on the effective date of this section, and as to officers and employees for whom there is a collective-bargaining representative, no such variation, addition, or substitution shall be made except by agreement between the collective-bargaining representative and the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 731; Pub. L. 93-349, § 2, July 12, 1974, 88 Stat 354.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (f), is July 1, 1971.

AMENDMENTS

1974—Subsec. (d). Pub. L. 93-349 substituted requirement that the Postal Service pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h) of Title 5, Government Organization and Employees, for requirement that the Postal Service pay to the Civil Service Commission upon request of the Civil Service Commission but not less frequently than annually the costs reasonably related to the administration of Fund activities for officers and employees of the Postal Service.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93-349 provided that: "The effective date of this Act [amending subsec. (d) of this section and section 8348 of Title 5, Government Organization and Employees] shall be July 1, 1971, except that the Postal Service shall not be required to make (1) the payments due June 30, 1972, June 30, 1973, and June 30, 1974, attributable to pay increases granted by the Postal Service prior to July 1, 1973, until such time as funds are appropriated to the Postal Service for that purpose, and (2) the transfer to the Civil Service Retirement and Disability Fund required by title II of the Treasury, Postal Service, and General Government Appropriation Act, 1974, Public Law 93-143 [which is not classified to the Code]."

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1006. Right of transfer

Officers and employees in the postal career service of the Postal Service shall be eligible for promotion or transfer to any other position in the Postal Service or the executive branch of the Government of the United States for which they are qualified. The authority given by this section shall be used to provide a maximum degree of career promotion opportunities for officers and employees and to insure continued improvement of postal services.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 732.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1007. Seniority for employees in rural service

Subject to agreements made under chapter 12 of this title, the seniority of an employee of the Postal Service occupying a position whose regular duty involves the collection and delivery of mail on a rural route shall be preserved. Seniority for such employee shall commence on the first day of his service in such a position, or, in the event such an employee transfers to another such position, on the day he enters duty in the other position. Upon initial assignment, such an employee shall be assigned to the least desirable route and shall attain assignment to more desirable routes by seniority. Promotions and assignments for such an employee in such position shall be based on seniority and ability. If ability be sufficient, seniority shall govern.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 732.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1008. Temporary employees or carriers

(a) A person temporarily employed to deliver mail is deemed an employee of the Postal Service and is subject to the provisions of chapter 83 of title 18 to the same extent as other employees of the Postal Service.

(b) Any person, when engaged in carrying mail under contract with the Postal Service, or employed by the Postal Service, is deemed a carrier or person entrusted with the mail and having custody thereof, within the meaning of sections 1701, 1708, and 2114 of title 18.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 732.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1009. Personnel not to receive fees

An officer or employee of the Postal Service may not receive any fee or perquisite from a patron of the Postal Service on account of the duties performed by virtue of his appointment, except as authorized by law.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 733.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1010. Administration of oaths related to postal inspection matters

Officers and employees of the Postal Service performing duties related to the inspection of postal matters may administer oaths required or authorized by law or regulation with respect to any matter coming before them in the performance of their official duties.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 733.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1011. Oath of office

Before entering upon their duties and before receiving any salary, all officers and employees of the Postal Service shall take and subscribe the following oath or affirmation:

"I, ————————, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter."

A person authorized to administer oaths by the laws of the United States, including section 2903 of title 5, or of a State or territory, or an officer, civil or military, holding a commission under the United States, or any officer or employee of the Postal Service designated by the Board may administer and certify the oath or affirmation.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 733.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 12—EMPLOYEE-MANAGEMENT AGREEMENTS

Sec.
1201. Definition.
1202. Bargaining units.
1203. Recognition of labor organizations.
1204. Elections.
1205. Deductions of dues.
1206. Collective-bargaining agreements.
1207. Labor disputes
1208. Suits.
1209. Applicability of Federal labor laws.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1001, 1003, 1004, 1005, 1007, 2010, 3604 of this title.

§ 1201. Definition

As used in this chapter, "guards" means—

(1) maintenance guards who, on the effective date of this chapter, are in key position KP-5 under the provisions of former section 3514 of title 39; and

(2) security guards, who may be employed in the Postal Service and whose primary duties shall include the exercise of authority to enforce rules to protect the safety of property, mail, or persons on the premises.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 733.)

REFERENCES IN TEXT

The effective date of this chapter, referred to in par. (1), is July 1, 1971. See Effective Date note set out below.

Former section 3514 of title 39, referred to in par. (1), means section 3514 of former Title 39, The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

LABOR AGREEMENTS

Section 10 of Pub. L. 91-375 provided that:

"(a) [*Wages, Hours, and Working Conditions; Parties to Agreement*] As soon as practicable after the enactment of this Act [Aug. 12, 1970], the Postmaster General and the labor organizations which as of the effective date of this section [see note above] hold national exclusive recognition rights granted by the Post Office Department, shall negotiate an agreement or agreements covering wages, hours, and working conditions of the employees represented by such labor organizations. The parties shall commence bargaining for such agreement or agreements not later than 30 days following delivery of a written request therefor by a labor organization to the Postmaster General or by the Postmaster General to a labor organization. Any agreement made pursuant to this section shall continue in force after the commencement of operations of the United States Postal Service in the same manner and to the same extent as if entered into between the Postal Service and recognized collective-bargaining representatives under chapter 12 of title 39, United States Code.

"(b) [*Wage Schedule; Service Period for Maximum Pay; Pay Step Advancement*] Any agreement negotiated under this section shall establish a new wage schedule whereunder postal employees will reach the maximum pay step for their respective labor grades after not more than 8 years of satisfactory service in such grades. The agreements shall provide that where an employee had sufficient satisfactory service in the pay step he occupied on the effective date of this section [see note above] to have qualified for advancement to the next highest pay step under the new wage schedule, had such schedule been in effect throughout the period of such service, the employee shall be advanced to such next highest pay step in the new schedule on the effective date of the new schedule.

"(c) [*Effective Date; Establishment of Wages, Hours, and Working Conditions*] An agreement made under this section shall become effective at any time after the commencement of bargaining, in accordance with the terms thereof. The Postmaster General shall establish wages, hours, and working conditions in accordance with the terms of any agreement or agreements made under this section notwithstanding the provisions of any law other than title 39.

"(d) [*Fact-finding Panel, Other Procedure, or Arbitration Board for Resolution of Differences*] If the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a fact-finding panel will be established in accordance with the terms of section 1207(b) of title 39, United States Code, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of section 1207(c) of such title.

"(e) [*Appropriation Provisions Inapplicable*] Agreements made pursuant to this section and expenditures made under such agreements shall not be subject to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

"(f) [*References to Title 39*] For the purposes of this section, references to title 39 and sections of title 39 are references to title 39, United States Code, as enacted by section 2 of this Act."

Provisions of section 10 of Pub. L. 91-375 effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1202. Bargaining units

The National Labor Relations Board shall decide in each case the unit appropriate for collective bargaining in the Postal Service. The National Labor Relations Board shall not include in any bargaining unit—

(1) any management official or supervisor;

(2) any employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

(3) both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or

(4) together with other employees, any individual employed as a security guard to enforce against employees and other persons,

rules to protect property of the Postal Service or to protect the safety of property, mail, or persons on the premises of the Postal Service; but no labor organization shall be certified as the representative of employees in a bargaining unit of security guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 733.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1203. Recognition of labor organizations

(a) The Postal Service shall accord exclusive recognition to a labor organization when the organization has been selected by a majority of the employees in an appropriate unit as their representative.

(b) Agreements and supplements in effect on the date of enactment of this section covering employees in the former Post Office Department shall continue to be recognized by the Postal Service until altered or amended pursuant to law.

(c) When a petition has been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board—

(1) by an employee, a group of employees, or any labor organization acting in their behalf, alleging that (A) a substantial number of employees wish to be represented for collective bargaining by a labor organization and that the Postal Service declines to recognize such labor organization as the representative; or (B) the labor organization which has been certified or is being currently recognized by the Postal Service as the bargaining representative is no longer a representative; or

(2) by the Postal Service, alleging that one or more labor organizations has presented to it a claim to be recognized as the representative;

the National Labor Relations Board shall investigate such petition and, if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the National Labor Relations Board, who shall not make any recommendations with respect thereto. If the National Labor Relations Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

(d) A petition filed under subsection (c)(1) of this section shall be accompanied by a statement signed by at least 30 percent of the employees in the appropriate unit stating that they desire that an election be conducted for either of the purposes set forth in such subsection.

(e) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the National Labor Relations Board.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 734.)

REFERENCES IN TEXT

Date of enactment of this section, referred to in subsec. (b), means Aug. 12, 1970, the date of approval of Pub. L. 91-375.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1206, 1209 of this title.

§ 1204. Elections

(a) All elections authorized under this chapter shall be conducted under the supervision of the National Labor Relations Board, or persons designated by it, and shall be by secret ballot. Each employee eligible to vote shall be provided the opportunity to choose the labor organization he wishes to represent him, from among those on the ballot, or "no union".

(b) In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the 2 choices receiving the largest and second largest number of valid votes cast in the election. In the event of a tie vote, additional runoff elections shall be conducted until one of the choices has received a majority of the votes.

(c) No election shall be held in any bargaining unit within which, in the preceding 12-month period, a valid election has been held.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 735.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1205. Deductions of dues

(a) When a labor organization holds exclusive recognition, or when an organization of personnel not subject to collective-bargaining agreements has consultation rights under section 1004 of this title, the Postal Service shall deduct the regular and periodic dues of the organization from the pay of all members of the organization in the unit of recognition if the Post Office Department or the Postal Service has received from each employee, on whose account such deductions are made, a written assignment which shall be irrevocable for a period of not more than one year.

(b) Any agreement in effect immediately prior to the date of enactment of the Postal Reorganization Act between the Post Office Department and any organization of postal employees which provides for deduction by the Department of the regular and periodic dues of the organization from the pay of its members, shall continue in full force and effect and the obligation for such deductions shall be assumed by the Postal Service. No such deduction shall

be made from the pay of any employee except on his written assignment, which shall be irrevocable for a period of not more than one year.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 735.)

REFERENCES IN TEXT

Date of enactment of the Postal Reorganization Act, referred to in subsec. (b), means Aug. 12, 1970, the date of approval of Pub. L. 91-375.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1206. Collective-bargaining agreements

(a) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203 of this title shall be effective for not less than 2 years.

(b) Collective-bargaining agreements between the Postal Service and bargaining representatives recognized under section 1203 may include any procedures for resolution by the parties of grievances and adverse actions arising under the agreement, including procedures culminating in binding third-party arbitration, or the parties may adopt any such procedures by mutual agreement in the event of a dispute.

(c) The Postal Service and bargaining representatives recognized under section 1203 may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 735.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1207. Labor disputes

(a) If there is a collective-bargaining agreement in effect, no party to such agreement shall terminate or modify such agreement unless the party desiring such termination or modification serves written notice upon the other party to the agreement of the proposed termination or modification not less than 90 days prior to the expiration date thereof, or not less than 90 days prior to the time it is proposed to make such termination or modification. The party serving such notice shall notify the Federal Mediation and Conciliation Service of the existence of a dispute within 45 days of such notice, if no agreement has been reached by that time.

(b) If the parties fail to reach agreement or to adopt a procedure providing for a binding resolution of a dispute by the expiration date of the agreement in effect, or the date of the proposed termination or modification, the Director of the Federal Mediation and Conciliation Service shall direct the establishment of a factfinding panel consisting of 3 persons. For this purpose, he shall submit to the parties a list of not less than 15 names, from which list each party, within 10 days, shall select 1 person. The 2 so selected shall then choose from the list a third person who shall serve as chairman of the factfinding panel. If either of the parties fails to select a person or if the 2 members are unable to agree on the third person within 3 days, the selection shall be made by the Director. The factfinding panel shall issue after due investigation a report of its findings, with or without recommendations, to the parties no later than 45 days from the date the list of names is submitted.

(c)(1) If no agreement is reached within 90 days after the expiration or termination of the agreement or the date on which the agreement became subject to modification under subsection (a) of this section, or if the parties decide upon arbitration but do not agree upon the procedures therefor, an arbitration board shall be established consisting of 3 members, not members of the factfinding panel, 1 of whom shall be selected by the Postal Service, 1 by the bargaining representative of the employees, and the third by the 2 thus selected. If either of the parties fails to select a member, or if it the members chosen by the parties fail to agree on the third person within 5 days after their first meeting, the selection shall be made by the Director. If the parties do not agree on the framing of the issues to be submitted, the factfinding panel shall frame the issues and submit them to the arbitration board.

(2) The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 45 days after its appointment.

(3) Costs of the arbitration board and factfinding panel shall be shared equally by the Postal Service and the bargaining representative.

(d) In the case of a bargaining unit whose recognized collective-bargaining representative does not have an agreement with the Postal Service, if the parties fail to reach agreement within 90 days of the commencement of collective bargaining, a factfinding panel will be established in accordance with the terms of subsection (b) of this section, unless the parties have previously agreed to another procedure for a binding resolution of their differences. If the parties fail to reach agreement within 180 days of the commencement of collective bargaining, and if they have not agreed to another procedure for binding resolution, an arbitration board shall be established to provide conclusive and binding arbitration in accordance with the terms of subsection (c) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 735.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1208. Suits

(a) The courts of the United States shall have jurisdiction with respect to actions brought by the National Labor Relations Board under this

chapter to the same extent that they have jurisdiction with respect to actions under title 29.

(b) Suits for violation of contracts between the Postal Service and a labor organization representing Postal Service employees, or between any such labor organizations, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy.

(c) A labor organization and the Postal Service shall be bound by the authorized acts of their agents. Any labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

(d) For the purposes of actions and proceedings by or against labor organizations in the district courts of the United States, district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal offices, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(e) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 736.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 1209. Applicability of Federal labor laws

(a) Employee-management relations shall, to the extent not inconsistent with provisions of this title, be subject to the provisions of subchapter II of chapter 7 of title 29.

(b) The provisions of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to attain recognition under section 1203 of this title, and to such organizations, officers, agents, shop stewards, other representatives, and members to the extent to which such provisions would be applicable if the Postal Service were an employer under section 402 of title 29. In addition to the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulation issued with the written concurrence of the Postal Service, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified forms of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

(c) Each employee of the Postal Service shall have the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 737.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

PART III—MODERNIZATION AND FISCAL ADMINISTRATION

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CHAPTER 20—FINANCE

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2008. Audit and expenditures.
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§ 2001. Definitions

As used in this chapter—

(1) "Fund" means the Postal Service Fund established by section 2003 of this chapter; and

(2) "obligations", when referring to debt instruments issued by the Postal Service, means notes, bonds, debentures, mortgages, and any other evidence of indebtedness.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 738.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 2002. Capital of the Postal Service

(a) The initial capital of the Postal Service shall consist of the equity, as reflected in the budget of the President, of the Government of the United States in the former Post Office Department. The value of assets and the amount of liabilities transferred to the Postal Service upon the commencement of operations of the Postal Service shall be determined by the Postal Service subject to the approval of the Comptroller General, in accordance with the following guidelines:

(1) Assets shall be valued on the basis of original cost less depreciation, to the extent that such value can be determined. The value recorded on the former Post Office Department's books of account shall be prima facie evidence of asset value.

(2) All liabilities attributable to operations of the former Post Office Department shall remain liabilities of the Government of the United States, except that upon commence-

ment of operations of the Postal Service, the unexpended balances of appropriations made to, held or used by, or available to the former Post Office Department and all liabilities chargeable thereto shall become assets and liabilities, respectively, of the Postal Service.

(b) The capital of the Postal Service at any time shall consist of its assets, including the balance in the Fund, less its liabilities.

(c) The Postal Service, and the Administrator of General Services where properties under the jurisdiction of the Administrator are involved, with the approval of the Director of the Office of Management and Budget, shall determine which Federal properties shall be transferred to the Postal Service and which shall remain under the jurisdiction of any other department, agency, or establishment of the Government of the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

(1) the mail equipment shops located in Washington, District of Columbia;

(2) all machinery, equipment, and appurtenances of the former Post Office Department;

(3) all real property whose ownership was acquired by the Postmaster General under former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date, is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

(4) all real property 55 percent or more of which is occupied by or under control of the former Post Office Department immediately prior to the effective date of this section;

(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

(6) all other property and assets of the former Post Office Department.

(d) After the commencement of operations of the Postal Service, the President is authorized to transfer to the Postal Service, and the Postal Service is authorized to transfer to other departments, agencies, or independent establishments of the Government of the United States, with or without reimbursement, any property of that department, agency, or independent establishment and the Postal Service, respectively, when the public interest would be served by such transfer.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 738.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (c)(3), (4), is July 1, 1971. See Effective Date note set out below.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

ASSETS OF POSTAL SERVICE

Section 4(b) of Pub. L. 91-375 provided that: "Postal revenues and fees collected on and after the effective date of this section [see note above] shall be considered assets of the Postal Service."

Provisions of section 4(b) of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

EX. ORD. NO. 11672. TRANSFER OR FURNISHING OF PROPERTY

Ex. Ord. No. 11672, June 8, 1972, 37 F.R. 11455, provided:

By virtue of the authority vested in me by the Postal Reorganization Act (39 U.S.C. 2002(d)) and section 301 of title 3 of the United States Code, and as President of the United States it is hereby ordered as follows:

SECTION 1. The authority conferred upon the President by section 2002(d) of title 39 of the United States Code is hereby delegated to the Administrator of General Services subject to the provisions of this order.

SEC. 2. Property transferred to the Postal Service under this order shall be subject to reimbursement at fair market value, as agreed to by the Administrator of General Services and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation, or transfer without reimbursement, is more equitable or better serves the public interest.

SEC. 3. Reimbursement of fair market value required for property transfers to the Postal Service under this order may consist of cash payments or, subject to approval by the Director of the Office of Management and Budget, property transferred from the Postal Service to other departments, agencies, or independent establishments of the Government of the United States, or both cash and approved properties.

SEC. 4. Heads of agencies furnishing property to the Postal Service under section 411 of title 39 of the United States Code shall require reimbursement at fair market value of such property or at a rate based on appropriate commercial charges for comparable property, as agreed to by the agency head and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation is more equitable or better serves the public interest.

SEC. 5. Delegations of authority made in this order may be redelegated.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 401 of this title.

§ 2003. The Postal Service Fund

(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal-year limitation to carry out the purposes, functions, and powers authorized by this title.

(b) There shall be deposited in the Fund, subject to withdrawal by check by the Postal Service—

(1) revenues from postal and nonpostal services rendered by the Postal Service;

(2) amounts received from obligations issued by the Postal Service;

(3) amounts appropriated for the use of the Postal Service;

(4) interest which may be earned on investments of the Fund;

(5) any other receipts of the Postal Service; and

(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service.

(c) If the Postal Service determines that the moneys of the Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

(e) The Fund shall be available for the payment of all expenses incurred by the Postal Service in carrying out its functions under this title and, subject to the provisions of section 3604 of this title, all of the expenses of the Postal Rate Commission. Neither the Fund nor any of the funds credited to it shall be subject to apportionment under the provisions of section 665 of title 31.

(f) Notwithstanding any other provision of this section, any amounts appropriated to the Postal Service under subsection (d) of section 2401 of this title and deposited into the Fund shall be expended by the Postal Service only for the purposes provided in such subsection.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 739; Pub. L. 94-421, § 2(c), Sept. 24, 1976, 90 Stat. 1304.)

REFERENCES IN TEXT

Former section 2202 of title 39, referred to in subsec. (a)(6), means section 2202 of former Title 39, The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

AMENDMENTS

1976—Subsec. (f). Pub. L. 94-421 added subsec. (f).

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2001, 3604 of this title; title 40 section 356.

§ 2004. Transitional appropriations

Such sums as are necessary to insure a sound financial transition for the Postal Service and a rate policy consistent with chapter 36 of this title are hereby authorized to be appropriated to the Fund without regard to fiscal-year limitation.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 739.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

TRANSITIONAL EXPENSES

Section 12 of Pub. L. 91-375 provided that the expenses of the United States Postal Service and the Postal Rate Commission from Aug. 12, 1970 to the commencement of operations of the Postal Service and the Commission were deemed necessary expenses of the administration of the Post Office Department as now constituted.

§ 2005. Obligations

(a) The Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title. The aggregate amount of any such obligations outstanding at any one time shall not exceed $10,000,000,000. In any one fiscal year the net increase in the amount of obligations outstanding issued for the purpose of capital improvements shall not exceed $1,500,000,000, and the net increase in the amount of obligations outstanding issued for the purpose of defraying operating expenses of the Postal Service shall not exceed $500,000,000.

(b) The Postal Service may pledge the assets of the Postal Service and pledge and use its revenues and receipts for the payment of the principal of or interest on such obligations, for the purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve, sinking, and other funds which may be similarly pledged and used, to such extent and in such manner as it deems necessary or desirable. The Postal Service is authorized to enter into binding covenants with the holders of such obligations, and with the trustee, if any, under any agreement entered into connection with the issuance thereof with respect to the establishment of reserve, sinking, and other funds, application and use of revenues and receipts of the Postal Service, stipulations concerning the subsequent issuance of obligations or the execution of leases or lease purchases relating to properties of the Postal Service and such other matters as the Postal Service deems necessary or desirable to enhance the marketability of such obligations.

(c) Obligations issued by the Postal Service under this section—

(1) shall be in such forms and denominations;

(2) shall be sold at such times and in such amounts;

(3) shall mature at such time or times;

(4) shall be sold at such prices;

(5) shall bear such rates of interest;

(6) may be redeemable before maturity in such manner, at such times, and at such redemption premiums;

(7) may be entitled to such relative priorities of claim on the assets of the Postal Service with respect to principal and interest payments; and

(8) shall be subject to such other terms and conditions;

as the Postal Service determines.

(d) Obligations issued by the Postal Service under this section shall—

(1) be negotiable or nonnegotiable and bearer or registered instruments, as specified therein and in any indenture or covenant relating thereto;

(2) contain a recital that they are issued under this section, and such recital shall be conclusive evidence of the regularity of the issuance and sale of such obligations and of their validity;

(3) be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the Government of the United States, and the Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the obligations of the Postal Service acquired under this section;

(4) be exempt both as to principal and interest from all taxation now or hereafter imposed by any State or local taxing authority except estate, inheritance, and gift taxes; and

(5) not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the Government of the United States, except as provided in section 2006(c) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 740.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

PERIOD OF JULY 1, 1975, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR; MAXIMUM NET INCREASE IN AMOUNT OF OBLIGATIONS

Pub. L. 94-274, title I, § 123, Apr. 21, 1976, 90 Stat. 390, provided that for the purposes of subsec. (a) of this section, the period of July 1, 1975 through Sept. 30, 1976, was to be considered a fiscal year and the maximum net increase in the amount of Postal Service obligations imposed by subsec. (a) of this section was deemed to be $1,875,000,000 for obligations issued for capital improvements and $625,000,000 for obligations issued for defraying operating expenses of the Postal Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2006 of this title.

§ 2006. Relationship between the Treasury and the Postal Service

(a) At least 15 days before selling any issue of obligations under section 2005 of this title, the Postal Service shall advise the Secretary of the Treasury of the amount, proposed date of sale, maturities, terms and conditions, and expected maximum rates of interest of the proposed issue in appropriate detail and shall consult with him or his designee thereon. The Secretary may elect to purchase such obligations under such terms, including rates of interest, as he and the Postal Service may agree, but at a rate of yield no less than the prevailing yield on outstanding marketable Treasury securities of comparable maturity, as determined by the Secretary. If the Secretary does not purchase such obligations, the Postal Service may proceed to issue and sell them to a party or parties other than the Secretary upon notice to the Secretary and upon consultation as to the date of issuance, maximum rates of interest, and other terms and conditions.

(b) Subject to the conditions of subsection (a) of this section, the Postal Service may require the Secretary of the Treasury to purchase obligations of the Postal Service in such amounts as will not cause the holding by the Secretary of the Treasury resulting from such required purchases to exceed $2,000,000,000 at any one time. This subsection shall not be construed as limiting the authority of the Secretary to purchase obligations of the Postal Service in excess of such amount.

(c) Notwithstanding section 2005(d)(5) of this title, obligations issued by the Postal Service shall be obligations of the Government of the United States, and payment of principal and interest thereon shall be fully guaranteed by the Government of the United States, such guaranty being expressed on the face thereof, if and to the extent that—

(1) the Postal Service requests the Secretary of the Treasury to pledge the full faith and credit of the Government of the United States for the payment of principal and interest thereon; and

(2) the Secretary, in his discretion, determines that it would be in the public interest to do so.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 741.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 2007. Public debt character of the obligations of the Postal Service

For the purpose of any purchase of the obligations of the Postal Service, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act, as now or hereafter in force, are extended to include any purchases of the obligations of the Postal Service under this chapter. The Secretary of the Treasury may, at any time, sell any of the obligations of the Postal Service acquired by him under this chapter. All redemptions, purchases, and sales by the Secretary of the obligations of the Postal Service shall be treated as public debt transactions of the United States.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 741.)

REFERENCES IN TEXT

The Second Liberty Bond, referred to in text, is act Sept. 24, 1917, ch. 56, 40 Stat. 288, as amended. For complete classification of this Act to the Code, see References in Text note set out under section 774 of Title 31, Money and Finance, and Tables volume.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section

15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 2008. Audit and expenditures

(a) The accounts and operations of the Postal Service shall be audited by the Comptroller General and reports thereon made to the Congress to the extent and at such times as he may determine.

(b) The Postal Service shall maintain an adequate internal audit of the financial transactions of the Postal Service.

(c) Subject only to the provisions of this chapter, the Postal Service is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it deems necessary, including the final settlement of all claims and litigation by or against the Postal Service.

(d) Nothing in this section shall be construed as denying to the Postal Service the power to obtain audits of the accounts of the Postal Service and reports concerning its financial condition and operations by certified public accounting firms. Such audits and reports shall be in addition to those required by this section.

(e) At least once each year beginning with the fiscal year commencing after June 30, 1971, the Postal Service shall obtain a certification from an independent, certified public accounting firm of the accuracy of any financial statements of the Postal Service used in determining and establishing postal rates.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 741.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 2009. Annual budget

The Postal Service shall cause to be prepared annually a budget program which shall be submitted to the Office of Management and Budget, under such rules and regulations as the President may establish as to the date of submission, the form and content, the classifications of data, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the Postal Service may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the Postal Service for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the Postal Service. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses and estimates of borrowings. The budget program shall also include separate statements of the amounts which the Postal Service requests to be appropriated under subsections (b) and (c) of section 2401 of this title. The President shall include these amounts, with his recommendations but without revision, in the budget transmitted to Congress under section 11 of title 31.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 742; Pub. L. 93-328, § 3, June 30, 1974, 88 Stat. 288.)

Amendments

1974—Pub. L. 93-328 required the budget program to include separate statements of the amounts which the Postal Service requests to be appropriated under section 2401(b) and (c) of this title and the President to include these amounts in the budget transmitted to Congress.

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

Section Referred to in Other Sections

This section is referred to in section 2401 of this title.

§ 2010. Restrictions on agreements

The Postal Service shall promote modern and efficient operations and should refrain from expending any funds, engaging in any practice, or entering into any agreement or contract, other than an agreement or contract under chapter 12 of this title, which restricts the use of new equipment or devices which may reduce the cost or improve the quality of postal services, except where such restriction is necessary to insure safe and healthful employment conditions.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 742.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 22—CONVICT LABOR

Sec.

2201. No postal equipment or supplies manufactured by convict labor.

§ 2201. No postal equipment or supplies manufactured by convict labor

Except as provided in chapter 307 of title 18, the Postal Service may not make a contract for the purchase of equipment or supplies to be manufactured by convict labor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 742.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 24—APPROPRIATIONS AND ANNUAL REPORT

Sec.
2401. Appropriations.
2402. Annual report.

§ 2401. Appropriations

(a) There are appropriated to the Postal Service all revenues received by the Postal Service.

(b)(1) As reimbursement to the Postal Service for public service costs incurred by it in providing a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere, there are authorized to be appropriated to the Postal Service the following amounts:

(A) for each of the fiscal years 1972 through 1979, an amount equal to 10 percent of the sum appropriated to the former Post Office Department by Act of Congress for its use in fiscal year 1971;

(B) for fiscal year 1980, an amount equal to 9 percent of such sum for fiscal year 1971;

(C) for fiscal year 1981, an amount equal to 8 percent of such sum for fiscal year 1971;

(D) for fiscal year 1982, an amount equal to 7 percent of such sum for fiscal year 1971;

(E) for fiscal year 1983, an amount equal to 6 percent of such sum for fiscal year 1971;

(F) for fiscal year 1984, an amount equal to 5 percent of such sum for fiscal year 1971; and

(G) except as provided in paragraph (2) of this subsection, for each fiscal year thereafter an amount equal to 5 percent of such sum for fiscal year 1971.

(2) After fiscal year 1984, the Postal Service may reduce the percentage figure in paragraph (1)(G) of this subsection, including a reduction to 0, if the Postal Service finds that the amounts determined under such paragraph are no longer required to operate the Postal Service in accordance with the policies of this title.

(c) There are authorized to be appropriated to the Postal Service each year a sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403-3405, and 3626 of this title and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be received on mail carried under such sections and Act.

(d)(1) There is authorized to be appropriated to the Postal Service for fiscal year 1976 and for the period beginning July 1, 1976, and ending September 30, 1976, the amount of $500,000,000 to be applied against the accumulated operating indebtedness of the Postal Service as of September 30, 1976.

(2) There is authorized to be appropriated to the Postal Service for fiscal year 1977 the amount of $500,000,000 to be applied against the accumulated operating indebtedness of the Postal Service as of September 30, 1977.

(e) During the period beginning on the date of the appropriation of the funds under subsection (d)(1) and ending on the date on which the Commission on Postal Service is required to transmit the final report required under section 7(f)(1) of the Postal Reorganization Act Amendments of 1976 to the President and each House of Congress, the Postal Service shall not—

(1) have in effect any permanent or temporary rate of postage or fee for postal services exceeding the rates and fees in effect on the date of enactment of the Postal Reorganization Act Amendments of 1976;

(2) provide levels and types of postal services which are less than the levels and types of services provided on July 1, 1976;

(3) close any post office where 35 or more families regularly receive their mail and which was providing service on July 1, 1976; or

(4) close any post office where fewer than 35 families receive their mail and which was providing service on July 1, 1976, unless the Postal Service receives the written consent of at least 60 percent of the regular patrons of such office who are at least 18 years of age.

(f) During the period beginning on the date of the appropriation of the funds under subsection (d)(1) and ending on the date on which the Commission on Postal Service is required to transmit the final report required under section 7(f)(1) of the Postal Reorganization Act Amendments of 1976 to the President and each House of Congress, the Postal Service shall provide door delivery or curbline delivery to all permanent residential addresses (other than apartment building addresses) to which service is begun on or after the date of enactment of the Postal Reorganization Act Amendments of 1976.

(g) The Postal Service shall present to the Committees on Post Office and Civil Service and the Committees on Appropriations of the Senate and the House of Representatives, at the same time it submits its annual budget under section 2009 of this title, sufficient copies of the budget of the Postal Service for the fiscal year for which funds are requested to be appropriated, and a comprehensive statement relating to the following matters:

(1) the plans, policies, and procedures of the Postal Service designed to comply with all of the provisions of section 101 of this title;

(2) postal operations generally, including data on the speed and reliability of service provided for the various classes of mail and types of mail service, mail volume, productivity, trends in postal operations, and analyses of the impact of internal and external factors upon the Postal Service;

(3) a listing of the total expenditures and obligations incurred by the Postal Service for the most recent fiscal year for which information is available, an estimate of the total expenditures and obligations to be incurred by the Postal Service during the fiscal year for which funds are requested to be appropriated, and the means by which these estimated expenses will be financed; and

(4) such other matters as the committees may determine necessary to ensure that the Congress is fully and currently consulted and informed on postal operations, plans, and policies.

Not later than March 15 of each year, the Postal Service shall appear before the Committees on Post Office and Civil Service of the Senate and the House of Representatives to submit information which any such committee considers necessary to determine the amount of funds to be appropriated for the operation of the Postal Service, and to present testimony and respond to questions with respect to such budget and statement. Each such committee shall take such action as it considers appropriate and shall advise the Postal Service of such action.

(h) The failure of the President to request the appropriation of any part of the funds authorized by this section may not be deemed a failure of appropriations. The failure of the President to request the appropriation of any part of the funds authorized by this section shall not relieve the Postal Service from the responsibility to comply with the provisions of subsections (e) and (f) of this section.

(i) The rates established under chapter 36 of this title for zone-rated parcels formerly entered under former chapter 67 of this title shall not be more than 10 percent less than the rates for such mail would be if the funds authorized under subsections (b) and (d) of this section were not appropriated.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 743; Pub. L. 94-421, § 2(a), (b), Sept. 24, 1976, 90 Stat. 1303.)

REFERENCES IN TEXT

The Federal Voting Assistance Act of 1955, referred to in subsec. (c), is act Aug. 9, 1955, ch. 656, 69 Stat. 584, as amended, which is classified principally to subchapter I-D (§ 1973cc et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note under section 1973cc of Title 42 and Tables volume.

Section 7(f)(1) of the Postal Reorganization Act Amendments of 1976, referred to in subsecs. (e) and (f), is section 7(f)(1) of Pub. L. 94-421, which is set out as a note under section 3661 of this title.

The date of enactment of the Postal Reorganization Act Amendments of 1976, referred to in subsec. (e)(1) and (f), is Sept. 24, 1976, the date of approval of Pub. L. 94-421.

The Committees on Post Office and Civil Service of the Senate and House of Representatives, referred to in subsec. (g), probably mean the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate which is now charged with matters relating to the Federal Civil Service and the Postal Service pursuant to Rule XXV of the Standing Rules of the Senate as amended by Senate Resolution 4, § 101(a), approved Feb. 4, 1977.

Former chapter 67 of title 39, referred to in subsec. (i), means chapter 67 (§ 4551 et seq.) of former Title 39, The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

AMENDMENTS

1976—Subsec. (b)(3). Pub. L. 94-421, § 2(a), struck out subsec. (b)(3), which required the Postal Service, when requesting appropriations, to present to the appropriate committees in Congress, a statement of its compliance with the cost policy established under section 101(b) of this title.

Subsecs. (d) to (i). Pub. L. 94-421, § 2(b), added subsecs. (d) to (i).

EFFECTIVE DATE

Subsec. (a) of this section effective July 1, 1971, pursuant to Resolution No. 71-9, of the Board of Governors, and subsecs. (b) and (c) effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2003, 2009, 3627 of this title.

§ 2402. Annual report

The Postmaster General shall render an annual report to the Board concerning the operations of the Postal Service under this title. Upon approval thereof, or after making such changes as it considers appropriate, the Board shall transmit such reports to the President and the Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 743.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 26—DEBTS AND COLLECTION

Sec.
2601. Collection and adjustment of debts.
2602. Transportation of international mail by air carriers of the United States.
2603. Settlement of claims for damages caused by the Postal Service.
2604. Delivery of stolen money to owner.
2605. Suits to recover wrongful or fraudulent payments.

§ 2601. Collection and adjustment of debts

(a) The Postal Service—

(1) shall collect debts due the Postal Service;

(2) shall collect and remit fines, penalties, and forfeitures arising out of matters affecting the Postal Service;

(3) may adjust, pay, or credit the account of a postmaster or of an enlisted person of an Armed Force performing postal duties, for any loss of Postal Service funds, papers, postage, or other stamped stock or accountable paper; and

(4) may prescribe penalties for failure to render accounts.

The Postal Service may refer any matter, which is uncollectable through administrative action, to the General Accounting Office for collection. This subsection does not affect the authority of the Attorney General in cases in which judicial proceedings are instituted.

(b) In all cases of disability or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employees, operations, or business of the Postal Service, the Postal Service shall determine whether the interests of the Postal Service probably require the exercise of its powers over the same. Upon the determination, the Postal Service on such terms as it deems just and expedient, may—

(1) remove the disability; or

(2) compromise, release, or discharge the claim for such sum of money and damages.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 744.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 2602. Transportation of international mail by air carriers of the United States

(a) The Postal Service may offset against any balances due another country resulting from the transaction of international money order business, or otherwise, amounts due from that country to the United States, or to the United States for the account of air carriers of the United States transporting mail of that country, when—

(1) the Postal Service puts into effect rates of compensation to be charged another country for transportation; and

(2) the United States is required to collect from another country the amounts owed for transportation for the account of the air carriers.

(b) When the Postal Service has proceeded under authority of subsection (a) of this section, it shall—

(1) give appropriate credit to the country involved;

(2) pay to the air carrier the portion of the amount so credited which is owed to the air carrier for its services in transporting the mail of the other country; and

(3) deposit in the Postal Service Fund that portion of the amount so credited which is due the United States on its own account.

(c) The Postal Service may advance to an air carrier, out of funds available for payment of balances due other countries, the amounts determined by the Postal Service to be due from another country to an air carrier for the transportation of its mails when—

(1) collections are to be made by the United States for the account of air carriers; and

(2) the Postal Service determines that the balance of funds available is such that the advances may be made therefrom.

Collection from another country of the amount so advanced shall be made by offset, or otherwise, and the appropriation from which the advance is made shall be reimbursed by the collections made by the United States.

(d) If the United States is unable to collect from the debtor country an amount paid or advanced to an air carrier within 12 months after payment or advance has been made, the United States may deduct the uncollected amount from any sums owed by it to the air carrier.

(e) The Postal Service shall adopt such accounting procedures as may be necessary to conform to and carry out the purposes of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 744.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 2603. Settlement of claims for damages caused by the Postal Service

When the Postal Service finds a claim for damage to persons or property resulting from the operation of the Postal Service to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, it may adjust and settle the claim.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 745.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHARGE AGAINST POSTAL REVENUES FOR SETTLEMENT OF CLAIMS FOR DAMAGES AND FOR LOSSES RESULTING FROM UNAVOIDABLE CASUALTY

Pub. L. 89-57, title II, § 201, June 30, 1965, 79 Stat. 200, provided in part: "That hereafter settlement of claims, pursuant to law, current and prior fiscal years, for damages, and for losses resulting from unavoidable casualty shall be paid from postal revenues."

§ 2604. Delivery of stolen money to owner

When the Postal Service is satisfied that money or property in the possession of the Postal Service represents money or property stolen from the mails, or the proceeds thereof, it may deliver it to the person it finds to be the rightful owner.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 745.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 2605. Suits to recover wrongful or fraudulent payments

The Postal Service shall request the Attorney General to bring a suit to recover with interest any payment made from moneys of, or credit granted by, the Postal Service as a result of—

(1) mistake;

(2) fraudulent representations;

(3) collusion; or

(4) misconduct of an officer or employee of the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 745.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

PART IV—MAIL MATTER

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CHAPTER 30—NONMAILABLE MATTER

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3684 of this title.

§ 3001. Nonmailable matter

(a) Matter the deposit of which in the mails is punishable under section 1302, 1341, 1342, 1461, 1463, 1714, 1715, 1716, 1717 or 1718 of title 18, or section 26 of the Animal Welfare Act is nonmailable.

(b) Except as provided in subsection (c) of this section, nonmailable matter which reaches the office of delivery, or which may be seized or detained for violation of law, shall be disposed of as the Postal Service shall direct.

(c)(1) Matter which—

(A) exceeds the size and weight limits prescribed for the particular class of mail; or

(B) is of a character perishable within the period required for transportation and delivery;

is nonmailable.

(2) Matter made nonmailable by this subsection which reaches the office of destination may be delivered in accordance with its address, if the party addressed furnishes the name and address of the sender.

(d) Matter otherwise legally acceptable in the mails which—

(1) is in the form of, and reasonably could be interpreted or construed as, a bill, invoice, or statement of account due; but

(2) constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both;

is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe—

(A) the following notice: "This is a solicitation for the order of goods or services, or both, and not a bill, invoice, or statement of account due. You are under no obligation to make any payments on account of this offer unless you accept this offer."; or

(B) in lieu thereof, a notice to the same effect in words which the Postal Service may prescribe.

(e)(1) Any matter which is unsolicited by the addressee and which is designed, adapted, or intended for preventing conception (except unsolicited samples thereof mailed to a manufacturer thereof, a dealer therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

(2) Any unsolicited advertisement of matter which is designed, adapted, or intended for preventing conception is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs unless the advertisement—

(A) is mailed to a manufacturer of such matter, a dealer, therein, a licensed physician or surgeon, or a nurse, pharmacist, druggist, hospital, or clinic; or

(B) accompanies in the same parcel any unsolicited sample excepted by paragraph (1) of this subsection.

An advertisement shall not be deemed to be unsolicited for the purposes of this paragraph if it is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive.

(f) Except as otherwise provided by law, proceedings concerning the mailability of matter under this chapter and chapters 71 and 83 of title 18 shall be conducted in accordance with chapters 5 and 7 of title 5.

(g) The district courts, together with the District Court of the Virgin Islands and the District Court of Guam, shall have jurisdiction, upon cause shown, to enjoin violations of section 1716 of title 18.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 745; Pub. L. 91-662, § 6(1), Jan. 8, 1971, 84 Stat. 1974; Pub. L. 92-191, § 2, Dec. 15, 1971, 85 Stat. 647; Pub. L. 89-544, § 26(h)(2) as added Pub. L. 94-279, § 17, Apr. 22, 1976, 90 Stat. 423.)

REFERENCES IN TEXT

Section 26 of the Animal Welfare Act, referred to in subsec. (a), is section 26(a) to (h)(1) of Pub. L. 89-544 as added by Pub. L. 94-279, § 17, Apr. 22, 1976, 90 Stat. 421, which enacted section 2156 of Title 7, Agriculture.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-279 inserted "or section 26 of the Animal Welfare Act" following "title 18".

1971—Subsec. (e). Pub. L. 91-662, § 6(1)(A), (B), added subsec. (e). Former subsec. (e) was redesignated (f). Section 5(a) of Pub. L. 91-662 added a similar provision to section 4001 of former Title 39, The Postal Service, pending the effective date of this section. Said amendment to section 4001 has not been executed in view of the passage of Title 39, Postal Service, as enacted by the Postal Reorganization Act.

Subsec. (f). Pub. L. 91-662, § 6(1)(A), redesignated subsec. (e) as (f).

Subsec. (g). Pub. L. 92-191 added subsec. (g).

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92-191 effective at the beginning of the third calendar month following Dec. 15, 1971, or on the date that this section becomes effective pursuant to section 15(a) of Pub. L. 91-375, which is set out as and Effective Date note preceding Part I of this title, whichever is later, see section 3 of Pub. L. 92-191, set out as an Effective Date of 1971 Amendment note under section 1716 of Title 18, Crimes and Criminal Procedure.

Section 6 of Pub. L. 91-662 provided in part that the amendment by Pub. L. 91-662 shall be effective on the date that the Board of Governors of the United States Postal Service establishes as the effective date for section 3001 of title 39 of the United States Code, as enacted by the Postal Reorganization Act.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

NOTICE WITH RESPECT TO OBSCENE MATTER DISTRIBUTED BY MAIL AND DETENTION THEREOF

Pub. L. 87-793, § 307, Oct. 11, 1962, 76 Stat. 841, provided that: "In order to alert the recipients of mail and the general public to the fact that large quantities of obscene, lewd, lascivious, and indecent matter are being introduced into this country from abroad and disseminated in the United States by means of the United States mails, the Postmaster General shall publicize such fact (1) by appropriate notices posted in post offices, and (2) by notifying recipients of mail, whenever he deems it appropriate in order to carry out the purposes of this section, that the United States mails may contain such obscene, lewd, lascivious, or indecent matter. Any person may file a written request with his local post office to detain obscene, lewd, lascivious, or indecent matter addressed to him, and the Postmaster General shall detain and dispose of such matter for such period as the request is in effect. The Postmaster General shall permit the return of mail containing obscene, lewd, lascivious, or indecent matter, to local post offices, without cost to the recipient thereof. Nothing in this section shall be deemed to authorize the Postmaster General to open, inspect, or censor any mail except on specific request by the addressee thereof. The Postmaster General is authorized to prescribe such regulations as he may deem appropriate to carry out the purposes of this section."

§ 3002. Nonmailable motor vehicle master keys

(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, or any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter and shall not be carried or delivered by mail.

(b) The Postal Service is authorized to make such exemptions from the provisions of subsection (a) of this section as it deems necessary.

(c) For the purposes of this section, "motor vehicle master key" means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or any exact duplicate of such keys) designed to operate 2 or more motor vehicle ignition, door, or trunk locks of different combinations.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 746.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 18 section 1716A.

§ 3003. Mail bearing a fictitious name or address

(a) Upon evidence satisfactory to the Postal Service that any person is using a fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, by means of the postal services of the United States, an activity in violation of sections 1302, 1341, and 1342 of title 18, it may—

(1) withhold mail so addressed from delivery; and

(2) require the party claiming the mail to furnish proof to it of the claimant's identity and right to receive the mail.

(b) The Postal Service may issue an order directing that mail, covered by subsection (a) of this section, be forwarded to a dead letter office as fictitious matter, or be returned to the sender when—

(1) the party claiming the mail fails to furnish proof of his identity and right to receive the mail; or

(2) the Postal Service determines that the mail is addressed to a fictitious, false, or assumed name, title, or address.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 746.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3004. Delivery of mail to persons not residents of the place of address

Whenever the Postal Service determines that letters or parcels sent in the mail are addressed to places not the residence or regular business address of the person for whom they are intended, to enable the person to escape identification, the Postal Service may deliver the mail only upon identification of the person so addressed.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 747.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3005. False representations; lotteries

(a) Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postal Service may issue an order which—

(1) directs the postmaster of the post office at which mail arrives, addressed to such a person or to his representative, to return such mail to the sender appropriately marked as in violation of this section, if the person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey the mail before the postmaster returns the mail to the sender; and

(2) forbids the payment by a postmaster to the person or his representative of any money order or postal note drawn to the order of either and provides for the return to the remitter of the sum named in the money order or postal note.

(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section, that remittances may be made by

mail to a person named in the advertisement, is prima facie evidence that the latter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Postal Service may ascertain the existence of the agency in any other legal way satisfactory to it.

(c) As used in this section and section 3006 of this title, the term "representative" includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.

(d) Nothing in this section shall prohibit the mailing of (1) a newspaper of general circulation containing advertisements, lists of prizes, or information concerning a lottery conducted by a State acting under authority of State law, published in that State, or in an adjacent State which conducts such a lottery, or (2) tickets or other materials concerning such a lottery within that State to addresses within that State. For the purposes of this subsection, "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 747; Pub. L. 93-583, § 4, Jan. 2, 1975, 88 Stat. 1916; Pub. L. 94-525, § 2, Oct. 17, 1976, 90 Stat. 2478.)

AMENDMENTS

1976—Subsec. (d). Pub. L. 94-525 substituted "a newspaper of general circulation containing advertisements, lists of prizes, or information concerning a lottery conducted by a State acting under authority of State law, published in that State, or in an adjacent State which conducts such a lottery," for "a newspaper of general circulation published in a State containing advertisements, lists of prizes, or information concerning a lottery conducted by that State acting under authority of State law,".

1975—Subsec. (d). Pub. L. 93-583 added subsec. (d).

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3007 of this title.

§ 3006. Unlawful matter

Upon evidence satisfactory to the Postal Service that a person is obtaining or attempting to obtain remittances of money or property of any kind through the mail for an obscene, lewd, lascivious, indecent, filthy, or vile thing or is depositing or causing to be deposited in the United States mail information as to where, how, or from whom such a thing may be obtained, the Postal Service may—

(1) direct any postmaster at an office at which mail arrives, addressed to such a person or to his representative, to return the mail to the sender marked "Unlawful"; and

(2) forbid the payment by a postmaster to such a person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitter of the sum named in the money order.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 747.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3005, 3007, 3011 of this title.

§ 3007. Detention of mail for temporary periods

(a) In preparation for or during the pendency of proceedings under sections 3005 and 3006 of this title, the United States district court in the district in which the defendant receives his mail shall, upon application therefor by the Postal Service and upon a showing of probable cause to believe either section is being violated, enter a temporary restraining order and preliminary injunction pursuant to rule 65 of the Federal Rules of Civil Procedure directing the detention of the defendant's incoming mail by the postmaster pending the conclusion of the statutory proceedings and any appeal therefrom. The district court may provide in the order that the detained mail be open to examination by the defendant and such mail be delivered as is clearly not connected with the alleged unlawful activity. An action taken by a court hereunder does not affect or determine any fact at issue in the statutory proceedings.

(b) This section does not apply to mail addressed to publishers of newspapers and other periodical publications entitled to a periodical publication rate or to mail addressed to the agents of those publishers.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 747.)

REFERENCES IN TEXT

Rule 65 of the Federal Rules of Civil Procedure, referred to in subsec. (a), is set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3011 of this title.

§ 3008. Prohibition of pandering advertisements

(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any pandering advertisement which offers for sale matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative shall be subject to an order of the Postal Service to refrain from further mailings of such materials to designated addresses thereof.

(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postal Service shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his

agents or assigns to refrain from further mailings to the named addressees.

(c) The order of the Postal Service shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addresses, effective on the thirtieth calendar day after receipt of the order. The order shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees.

(d) Whenever the Postal Service believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, it shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for its belief and request that any response thereto be filed in writing with the Postal Service within 15 days after the date of such service. If the Postal Service, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, it is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punishable by the court as contempt thereof.

(f) Receipt of mail matter 30 days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

(g) Upon request of any addressee, the order of the Postal Service shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

(h) The provisions of subchapter II of chapter 5, relating to administrative procedure, and chapter 7, relating to judicial review, of title 5, shall not apply to any provisions of this section.

(i) For purposes of this section—

(1) mail matter, directed to a specific address covered in the order of the Postal Service, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postal Service's order; and

(2) the term "children" includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 748.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3011 of this title; title 18 section 1737.

§ 3009. Mailing of unordered merchandise

(a) Except for (1) free samples clearly and conspicuously marked as such, and (2) merchandise mailed by a charitable organization soliciting contributions, the mailing of unordered merchandise or of communications prohibited by subsection (c) of this section constitutes an unfair method of competition and an unfair trade practice in violation of section 45(a)(1) of title 15.

(b) Any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, may be treated as a gift by the recipient, who shall have the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender. All such merchandise shall have attached to it a clear and conspicuous statement informing the recipient that he may treat the merchandise as a gift to him and has the right to retain, use, discard, or dispose of it in any manner he sees fit without any obligation whatsoever to the sender.

(c) No mailer of any merchandise mailed in violation of subsection (a) of this section, or within the exceptions contained therein, shall mail to any recipient of such merchandise a bill for such merchandise or any dunning communications.

(d) For the purposes of this section, "unordered merchandise" means merchandise mailed without the prior expressed request or consent of the recipient.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 749.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date not preceding Part I of this title.

§ 3010. Mailing of sexually oriented advertisements

(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postal Service may prescribe.

(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of 19 years and who resides with him or is under his care, custody, or supervision, may file with the Postal Service a statement, in such form and manner as the Postal Service may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Postal Service shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as it

may prescribe, including the payment of such service charge as it determines to be necessary to defray the cost of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than 30 days.

(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Postal Service pursuant to this section.

(d) "Sexually oriented advertisement" means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 749.)

EFFECTIVE DATE

Section effective on first day of sixth month which begins after Aug. 12, 1970, see section 15(b) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

Section 14 of Pub. L. 91-375 provided that: "(a) [*Congressional findings*] The Congress finds—

"(1) that the United States mails are being used for the indiscriminate dissemination of advertising matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

"(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

"(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

"(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

"(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

"(b) [*Congressional Determination of Public Policy*] On the basis of such findings, the Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Postal Service to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material."

Provisions of section 14 of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date not preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3011 of this title; title 18 sections 1735, 1736, 1737.

§ 3011. Judicial enforcement

(a) Whenever the Postal Service believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 3010 of this title, it may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, the court may issue an order including one or more of the following provisions as the court deems just under the circumstances:

(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; or

(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 3010 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 3010 of this title.

(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the principal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

(d) A civil action under this section may be brought in the judicial district in which the de-

fendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 3010 has been delivered by mail according to the direction thereon.

(e) Nothing in this section or in section 3010 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3006, 3007, or 3008 of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 750.)

EFFECTIVE DATE

Section effective on first day of sixth month which begins after Aug. 12, 1970, see section 15(b) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 32—PENALTY AND FRANKED MAIL

Sec.
3201. Definitions.
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3219. Mailgrams.

AMENDMENTS

1973—Pub. L. 93-191, §§ 1(b), 4(b), 12(b), Dec. 18, 1973, 87 Stat. 741, 742, 746, substituted in item 3210 "Franked mail transmitted by the Vice President, Members of Congress, and congressional officials" for "Official correspondence of Vice President and Members of Congress"; substituted in item 3214 "President; surviving spouse of former President" for "Presidents"; and added item 3219, respectively.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3684 of this title.

§ 3201. Definitions

As used in this chapter—

(1) "penalty mail" means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

(2) "penalty cover" means envelopes, wrappers, labels, or cards used to transmit penalty mail;

(3) "frank" means the autographic or facsimile signature of persons authorized by sections 3210-3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

(4) "franked mail" means mail which is transmitted in the mail under a frank; and

(5) "Members of Congress" includes Senators, Representatives, Delegates, and Resident Commissioners.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 751.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3202. Penalty mail

(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

(1) official mail of—

(A) officers of the Government of the United States other than Members of Congress;

(B) the Smithsonian Institution;

(C) the Pan American Union;

(D) the Pan American Sanitary Bureau;

(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49-49c, 49d, 49e-49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341-343 and 344-348 of title 7;

(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; and

(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

(b) A department or officer authorized to use penalty covers may enclose them with return address to any person from or through whom official information is desired. The penalty cover may be used only to transmit the official information and endorsements relating thereto.

(c) This section does not apply to officers who receive a fixed allowance as compensation for their services including expenses of postage.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 751.)

AMENDMENT EFFECTIVE JANUARY 1, 1978

Pub. L. 94-553, §§ 102, 105(e), Oct. 19, 1976, 90 Stat. 2598, 2599, provided that effective

Jan. 1, 1978, clause (5) of subsec. (a) will be struck out.

REFERENCES IN TEXT

Section 347 of title 7, referred to in subsec. (a)(1)(F), was repealed by Pub. L. 86-533, § 1(21), June 29, 1960, 74 Stat. 249.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

PAYMENT OF POSTAGE FOR STATE UNEMPLOYMENT COMPENSATION SYSTEMS AND EMPLOYMENT SERVICES

Pub. L. 92-80, title I, § 100, Aug. 10, 1971, 85 Stat. 287, provided in part that: "Such amounts as may be agreed upon by the Department of Labor and the Post Office Department [now the United States Postal Service] shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom."

Similar provisions were contained in the following acts:

Jan. 11, 1971, Pub. L. 91-667, title I, § 100, 84 Stat. 2002.
Mar. 5, 1970, Pub. L. 91-204, title I, § 100, 84 Stat. 24.
Oct. 11, 1968, Pub. L. 90-557, title I, § 100, 82 Stat. 791.
Nov. 8, 1967, Pub. L. 90-132, title I, § 101, 81 Stat. 387.
Nov. 7, 1966, Pub. L. 89-787, title I, § 101, 80 Stat. 1379.
Aug. 31, 1965, Pub. L. 89-156, title I, § 101, 79 Stat. 590.
Sept. 19, 1964, Pub. L. 88-605, title I, § 101, 78 Stat. 960.
Oct. 11, 1963, Pub. L. 88-136, title I, § 101, 77 Stat. 226.
Aug. 14, 1962, Pub. L. 87-582, title I, § 101, 76 Stat. 363.
Sept. 22, 1961, Pub. L. 87-290, title I, § 101, 75 Stat. 591.
Sept. 2, 1960, Pub. L. 86-703, title I, § 101, 74 Stat. 757.
Aug. 14, 1959, Pub. L. 86-158, title I, § 101, 73 Stat. 341
Aug. 1, 1958, Pub. L. 85-580, title I, § 101, 72 Stat. 459
June 29, 1957, Pub. L. 85-67, title I, § 101, 71 Stat. 212.
June 29, 1956, ch. 477, title I, § 101, 70 Stat. 424.
Aug. 1, 1955, ch. 437, title I, § 101, 69 Stat. 398.
July 2, 1954, ch. 457, title I, § 101, 68 Stat. 435
July 31, 1953, ch. 296, title I, § 101, 67 Stat. 246.
July 5, 1952, ch. 575, title I, § 101, 66 Stat. 360.
Aug. 31, 1951, ch. 373, title I, § 101, 65 Stat. 210.
Sept. 6, 1950, ch. 896, ch. V, title I, 64 Stat. 644.
June 29, 1949, ch. 275, title II, 63 Stat. 284.
June 16, 1948, ch. 472, title I, § 101, 62 Stat. 445.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3203, 3206 of this title.

§ 3203. Endorsements on penalty covers

(a) Except as otherwise provided in this section, penalty covers shall bear, over the words "Official Business" an endorsement showing the name of the department, bureau, or office from which, or officer from whom, it is transmitted. The penalty for the unlawful use of all penalty covers shall be printed thereon.

(b) The Postal Service shall prescribe the endorsement to be placed on covers mailed under clauses (1)(E), (2), and (3) of section 3202(a) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 752.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3204. Restrictions on use of penalty mail

(a) Except as otherwise provided in this section, an officer, executive department, or independent establishment of the Government of the United States may not mail, as penalty mail, any article or document unless—

(1) a request therefor has been previously received by the department or establishment; or

(2) its mailings is required by law.

(b) Subsection (a) of this section does not prohibit the mailing, as penalty mail, by an officer, executive department, or independent agency of—

(1) enclosures reasonably related to the subject matter of official correspondence;

(2) informational releases relating to the census of the United States and authorized by title 13;

(3) matter concerning the sale of Government securities;

(4) forms, blanks, and copies of statutes, rules, regulations, instructions, administrative orders, and interpretations necessary in the administration of the department or establishment;

(5) agricultural bulletins;

(6) lists of public documents offered for sale by the Superintendent of Documents;

(7) announcements of the publication of maps, atlases, and statistical and other reports offered for sale by the Federal Power Commission as authorized by section 825k of title 16; or

(8) articles or documents to educational institutions or public libraries, or to Federal, State, or other public authorities.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 752.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1701z-2; title 15 section 637; title 16 section 460*l*-1; title 42 sections 2942, 5042.

§ 3205. Accounting for penalty covers

Executive departments and agencies, independent establishments of the Government of the United States, and organizations and persons authorized by law to use penalty mail, shall account for all penalty covers through the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section

15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3206. Reimbursement for penalty mail service

(a) Except as provided in subsections (b) and (c) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned, shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail under authority of section 3202 of this title.

(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clauses (1)(F) and (4) of section 3202(a) of this title.

(c) The Library of Congress shall transfer to the Postal Service as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (5) of section 3202(a) of this title.

(d) The Department of State shall transfer to the Postal Service as postal revenues out of appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (1)(C) and (D) of section 3202(a) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753; Pub. L. 93-191, § 9, Dec. 18, 1973, 87 Stat. 745.)

Amendment Effective January 1, 1978

Pub. L. 94-553, §§ 102, 105(e), Oct. 19, 1976, 90 Stat. 2598, 2599, provided that effective Jan. 1, 1978, subsec. (c) will be struck out, subsec. (d) will be redesignated (c), and subsec. (a) of this section will read as follows:

"(a) Except as provided in subsection (b) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned, shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail under authority of section 3202 of this title."

Amendments

1973—Subsec. (d). Pub. L. 93-191 added subsec. (d).

Effective Date of 1973 Amendment

Subsec. (d) of this section effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of this title.

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3207. Limit of weight of penalty mail; postage on overweight matter

(a) Penalty mail is restricted to articles not in excess of the weight and size prescribed for that class of mail receiving high priority in handling and delivery, except—

(1) stamped paper and supplies sold or used by the Postal Service; and

(2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Documents.

(b) A penalty mail article which is—

(1) over 4 pounds in weight;

(2) not in excess of the weight and size prescribed for mail matter; and

(3) otherwise mailable;

is mailable at rates for that class of mail entitled to the lowest priority in handling and delivery, even though it may include written matter and may be sealed.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3208. Shipment by most economical means

Shipments of official matter other than franked mail shall be sent by the most economical means of transportation practicable. The Postal Service may refuse to accept official matter for shipment by mail when in its judgment it may be shipped by other means at less expense, or it may provide for its transportation by freight or express whenever a saving to the Government of the United States will result therefrom without detriment to the public service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 753.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3209. Executive departments to supply information

Persons and governmental organizations authorized to use penalty mail shall supply all information requested by the Postal Service necessary to carry out the provisions of this chapter as soon as practicable after request therefor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

(F) mail matter expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction;

(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Members elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as a part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a Federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business, activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any Member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or Member-elect;

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect;

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office; or

(D) any mass mailing when the same is mailed at or delivered to any postal facility less than 28 days immediately before the date of any primary or general election (whether regular, special, or runoff) in which such Member or Member-elect is a candidate for public office. For the purpose of this clause

(D), the term "mass mailing" shall mean newsletters and similar mailings of more than 500 pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

(i) which are in direct response to inquiries or requests from the persons to whom the matter is mailed;

(ii) to colleagues in Congress or to government officials (whether Federal, State, or local); or

(iii) of news releases to the communications media.

The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations and shall take such other action, as the Commission or Committee considers necessary and proper for the Members and Members-elect to conform to the provisions of this clause and applicable rules and regulations. Such rules and regulations shall include, but not be limited to, provisions prescribing the time within which such mailings shall be mailed at or delivered to any postal facility to attain compliance with this clause and the time when such mailings shall be deemed to have been so mailed or delivered and such compliance attained.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate, may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be nonmailable as franked mail under subsection (a)(4) and (5) of this section.

(d)(1) A Member of the House may mail franked mail with a simplified form of address for delivery—

(A) within that area constituting the congressional district from which he was elected; and

(B) on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

(2) A Member-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district from which he was elected.

(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(4) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

(5) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent. Notwithstanding any other provision of law, the cost of preparing or printing mail matter which is frankable under this section may be paid from any funds, including, but not limited to, funds collected by a candidate or a political committee required to file reports of receipts and expenditures under the Federal Election Campaign Act of 1971 (Public Law 92-225), or from voluntary newsletter funds, or from similar funds administered and controlled by a Member or by a committee organized to administer such funds.

(f) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member

of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official for election to any Federal office.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 92-51, § 101, July 9, 1971, 85 Stat. 132; Pub. L. 93-191, § 1(a), Dec. 18, 1973, 87 Stat. 737; Pub. L. 94-177, Dec. 23, 1975, 89 Stat. 1032.)

REFERENCES IN TEXT

The Federal Election Campaign Act of 1971 (Public Law 92-225), referred to in subsec. (e), is Pub. L. 92-225, Feb. 11, 1972, 85 Stat. 3, as amended, which is classified principally to chapter 14 (§ 431 et seq.) of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 431 of Title 2 and Tables volume.

AMENDMENTS

1975—Subsec. (b)(1). Pub. L. 94-177, § 1(a), struck out "and" preceding "each of the elected officers", and "until the 1st day of April following the expiration of their respective terms of office" following "(other than a Member of the House)".

Subsec. (b)(3). Pub. L. 94-177, § 1(b), added subsec. (b)(3).

1973—Subsec. (a). Pub. L. 93-191 added subsec. (a). Former first sentence provided in part for franked mail (1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, and (2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

Subsec. (b)(1). Pub. L. 93-191 incorporated part of former first sentence in provisions designated as subsec. (b)(1), substituted reference to elected officers of the House of Representatives (other than a Member of the House) for former references to Clerk of the House of Representatives and the Sergeant at Arms of the House of Representatives, included reference to Legislative Counsel of the Senate, substituted the 1st day of April for the thirtieth day of June, and substituted internal reference to subsec. (a)(2) and (3) of this section for former provision respecting franked mail (1) matter, not exceeding 4 pounds in weight, upon official or departmental business, to a Government official, and (2) correspondence, not exceeding 4 ounces in weight, upon official business to any person.

Subsec. (b)(2). Pub. L. 93-191 incorporated former second sentence in provisions designated as subsec. (b)(2), substituted provision respecting vacancy in the Office of an elected officer of the House of Representatives (other than a Member of the House) for former provision respecting vacancy in the office of the Clerk of the House of Representatives and the Sergeant at Arms of the House of Representatives and included provision for vacancy in the Office of Legislative Counsel of the Senate.

Subsecs. (c) to (f). Pub. L. 93-191 added subsecs. (c) to (f).

1971—Pub. L. 92-51 authorized franked mail for Legislative Counsel of the House of Representatives and for exercise of the privilege during a vacancy in such office by any authorized person in the officer's name.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 14 of Pub. L. 93-191 provided that:

"(a) Except as provided in subsection (b) of this section, the provisions of this Act [enacting section 3219 of this title and sections 501 and 502 of Title 2, The Congress, amending sections 3206, 3210 to 3212, 3215, 3216(a), (c), (d), and 3218 of this title and sections 733 and 907 of Title 44, Public Printing and Documents, and repealing section 277 of Title 2] shall become effective on the date of enactment of this Act [Dec. 18, 1973].

"(b) The provisions of section 3214 of title 39, United States Code, as amended by section 4 of this Act; and the provisions of subsection (b) of section 3216 of title 39, United States Code, as amended by section 7 of this Act, shall take effect as of December 27, 1972."

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SEPARABILITY OF PROVISIONS

Section 15 of Pub. L. 93-191 provided that: "If a provision of this Act [enacting section 3219 of this title and sections 501 and 502 of Title 2, The Congress, amending sections 3206, 3210 to 3212, 3214 to 3216, and 3218 of this title and sections 733, 907 of Title 44, Public Printing and Documents, and repealing section 277 of Title 2] is held invalid, all valid provisions severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, such provision remains in effect in all valid applications severable from the invalid application or applications."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3212, 3219 of this title; title 2 sections 31b-4, 282d, 439b, 501, 502; title 44 section 907.

§ 3211. Public documents

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of April following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 2, Dec. 18, 1973, 87 Stat. 741.)

AMENDMENTS

1973—Pub. L. 93-191 substituted "each of the elected officers of the House of Representatives (other than a Member of the House) until the first day of April" for "the Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, until the thirtieth day of June."

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of this title.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 31b-4, 501, 502.

§ 3212. Congressional Record under frank of Members of Congress

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part of, or a reprint of any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 3, Dec. 18, 1973, 87 Stat. 741.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-191 incorporated existing text in provisions designated as subsec. (a).

Subsec. (b). Pub. L. 93-191 incorporated existing text in provisions designated as subsec. (b), authorized sending, as franked mail, reprints of parts of Congressional Record, and authorized the mailing of Congressional Record if the listed matter is mailable as franked mail under section 3210 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of this title.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 501, 502.

§ 3213. Seeds and reports from Department of Agriculture

Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

(1) as penalty mail by the Secretary of Agriculture; and

(2) until the thirtieth day of June following the expiration of their terms of office, as franked mail by Members of Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 31b-4, 501, 502.

§ 3214. Mailing privilege of former President; surviving spouse of former President

A former President and the surviving spouse of a former President may send nonpolitical mail within the United States and its territories and possessions as franked mail. Such mail of a former President and of the surviving spouse of a former President marked "Postage and Fees Paid" in the manner prescribed by the Postal Service shall be accepted by the Postal Service for transmission in the international mails.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 4(a), Dec. 18, 1973, 87 Stat. 742.)

AMENDMENTS

1973—Pub. L. 93-191 limited the mailing privilege to nonpolitical mail, extended the privilege to surviving spouse of former President and provided for acceptance of such mail marked "Postage and Fees Paid" by the Postal Service for transmission in the international mails.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 27, 1972, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of this title.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3216 of this title.

§ 3215. Lending or permitting use of frank unlawful

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 93-191, § 10, Dec. 18, 1973, 87 Stat. 746.)

AMENDMENTS

1973—Pub. L. 93-191 substituted provision for nonapplication of section to "any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate" for such nonapplication to "any committee composed of Members of Congress".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of this title.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3201 of this title; title 2 sections 501, 502.

§ 3216. Reimbursement for franked mailings

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate; and

(B) by the surviving spouse of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 92-51, § 101, July 9, 1971, 85 Stat. 132; Pub. L. 93-191, § 7, Dec. 18, 1973, 87 Stat. 745; Pub. L. 93-255, § 2(a), Mar. 27, 1974, 88 Stat. 52.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-255 struck out the words ", and the printed words 'Postage paid by Congress' " at end of last sentence.

1973—Subsec. (a). Pub. L. 93-191 incorporated existing text in provisions designated as par. 1(A) and (B); substituted in subpar. (a) reference to elected officers of the House of Representatives (other than a Member of the House) for former references to the Clerk of the House of Representatives and the Sergeant at Arms of the House of Representatives; included in subpar. (A) reference to Legislative Counsel of the Senate; added subsec. (a)(2) and provision for the sender's signature, or facsimile thereof, and printed words "Postage paid by Congress" in upper right-hand corner on transmitted franked mail.

Subsec. (b). Pub. L. 93-191 added subsec. (b). Former subsec. (b) provided that "The postage on mail matter sent through the mails under the franking privilege by former Presidents shall be paid by reimbursement of the postal revenues each fiscal year out of the general funds of the Treasury in an amount equivalent to the postage which would otherwise be payable on the mail matter."

Subsecs. (c), (d). Pub. L. 93-191 added subsecs. (c) and (d).

1971—Subsec. (a). Pub. L. 92-51 provided for reimbursement of Legislative Counsel of House of Representatives for franked mailings.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment of subsec. (a) and enactment of subsecs. (c) and (d) by Pub. L. 93-191 effective Dec. 18, 1973, and amendment of subsec. (b) by Pub. L. 93-191 effective Dec. 27, 1972, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of this title.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3210, 3219 of this title; title 2 section 31b-4.

§ 3217. Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain

Correspondence of the members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, and be entitled to free registration without right to indemnity in case of loss. The same privilege is accorded consuls and vice consuls when they are discharging the function of consuls of countries stationed in the United States, for official correspondence among themselves, and with the Government of the United States.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 755.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2401, 3627 of this title.

§ 3218. Franked mail for surviving spouses of Members of Congress

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed 180 days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 755; Pub. L. 93-191, § 11, Dec. 18, 1973, 87 Stat. 746.)

AMENDMENTS

1973—Pub. L. 93-191 inserted "nonpolitical" preceding "correspondence".

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-191 effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1973 Amendment note under section 3210 of this title.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3201, 3216 of this title; title 2 sections 501, 502.

§ 3219. Mailgrams

Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the

Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title.

(Added Pub. L. 93-191, § 12(a), Dec. 18, 1973, 87 Stat. 746.)

EFFECTIVE DATE

Section effective Dec. 18, 1973, see section 14 of Pub. L. 93-191, set out as an Effective Date of 1976 Amendment note under section 3210 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3216 of this title; title 2 sections 501, 502.

CHAPTER 34—ARMED FORCES AND FREE POSTAGE

Sec.
3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations.
3402. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone.
3403. Matter for blind and other handicapped persons.
3404. Unsealed letters sent by blind or physically handicapped persons.
3405. Markings.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3684 of this title.

§ 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations

(a) Letter mail or sound-recorded communications having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by—

(1) a member of the Armed Forces of the United States on active duty, as defined in section 101(4) and (22) of title 10, and addressed to a place within the delivery limits of a United States post office, if—

(A) such letter mail or sound-recorded communication is mailed by the member at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

(B) the member is hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of service in an overseas area designated by the President under clause (A) of this paragraph; or

(2) a member of an armed force of a friendly foreign nation at an Armed Forces post office and addressed to a place within the delivery limits of a United States post office, or a post office of the nation in whose armed forces the sender is a member, if—

(A) the member is accorded free mailing privileges by his own government;

(B) the foreign nation extends similar free mailing privileges to a member of the Armed Forces of the United States serving with, or in, a unit under the control of a command of that foreign nation;

(C) the member is serving with, or in, a unit under the operational control of a command of the Armed Forces of the United States;

(D) such letter mail or sound-recorded communication is mailed by the member—

(i) at an Armed Forces post office established in an overseas area, as designated by the President, where the Armed Forces of the United States are engaged in action against an enemy of the United States, engaged in military operations involving armed conflict with a hostile foreign force, or serving with a friendly foreign force in an armed conflict in which the United States is not a belligerent; or

(ii) while hospitalized in a facility under the jurisdiction of the Armed Forces of the United States as a result of disease or injury incurred as a result of services in an overseas area designated by the President under clause (D)(i) of this paragraph; and

(E) the nation in whose armed forces the sender is a member has agreed to assume all international postal transportation charges incurred.

(b) There shall be transported by air, between Armed Forces post offices which are located outside the 48 contiguous States of the United States or between any such Armed Forces post office and the point of embarkation or debarkation within the United States, the territories and possessions of the United States in the Pacific area, the Commonwealth of Puerto Rico, the Virgin Islands, or the Canal Zone, on a space available basis, on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, the following categories of mail matter:

(1)(A) letter mail or sound-recorded communications having the character of personal correspondence;

(B) parcels not exceeding 15 pounds in weight and 60 inches in length and girth combined; and

(C) publications entitled to a periodical publication rate published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public,

which are mailed at or addressed to any such Armed Forces post office;

(2) parcels not exceeding 70 pounds in weight and 100 inches in length and girth combined, which are mailed at any such Armed Forces post office; and

(3) parcels exceeding 15 pounds but not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined, including surface-type official mail, which are mailed at or addressed to any such Armed Forces post office where adequate surface transportation is not available.

Whenever adequate service by scheduled United States air carriers is not available to provide transportation of mail matter by air in accordance with this subsection, the transportation of such mail may be authorized by other than scheduled United States air carriers.

(c) Any parcel, other than a parcel mailed at a rate of postage requiring priority of handling and delivery, not exceeding 30 pounds in weight and 60 inches in length and girth combined, which is mailed at or addressed to any Armed Forces post office established under section 406(a) of this title, shall be transported by air on a space available basis on scheduled United States air carriers at rates fixed and determined by the Civil Aeronautics Board in accordance with section 1376 of title 49, upon payment of a fee for such air transportation in addition to the rate of postage otherwise applicable to such a parcel not transported by air. If adequate service by scheduled United States air carriers is not available, any such parcel may be transported by air carriers other than scheduled United States air carriers.

(d) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails under authority of subsection (a) in this section.

(e) The Department of Defense shall transfer to the Postal Service as postal revenues, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, sums equal to the expenses incurred by the Postal Service, as determined by the Postal Service, in providing air transportation for mail mailed at or addressed to Armed Forces post offices established under section 406 of this title, but reimbursement under this subsection shall not include the expense of air transportation (1) for which the Postal Service collects a special charge to the extent the special charge covers the additional expense of air transportation or (2) that is provided by the Postal Service at the same postage rate or charge for mail which is neither mailed at nor addressed to an Armed Forces post office.

(f) This section shall be administered under such conditions, and under such regulations, as the Postal Service and the Secretary of Defense jointly may prescribe.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 755; Pub. L. 92-469, §§ 1, 2, Oct. 6, 1972, 86 Stat. 782, 783.)

AMENDMENTS

1972—Subsec. (b)(1). Pub. L. 92-469, § 1, substituted "15" for "5" pounds in cl. (B), redesignated former subsec. (b)(2) as (b)(1)(C), and deleted therefrom former cls. reading "(A) in an overseas area designated by the President under subsection (a) of this section, or (B) in an isolated, hardship, or combat support area overseas, or where adequate surface transportation is not available".

Subsec. (b)(2). Pub. L. 92-469, § 1, added subsec. (b)(2). Former subsec. (b)(2) redesignated subsec. (b)(1)(C).

Subsec. (b)(3). Pub. L. 92-469, § 1, substituted "15" for "5" pounds.

Subsec. (c). Pub. L. 92-469, § 2(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsecs. (d) to (f). Pub. L. 92-469, § 2(1), redesignated former subsecs. (c) to (e) as (d) to (f).

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

EX. ORD. NO. 11255. VIETNAM AND ADJACENT WATERS DESIGNATED AS OVERSEAS COMBAT AREA

Ex. Ord. No. 11255, Nov. 1, 1965, 30 F.R. 14135, provided:

Pursuant to the authority vested in me by sections 4169 and 4303 of [former] title 39 of the United States Code, I hereby designate, for the purposes of those sections, as an overseas combat area where the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force:

Vietnam, including the waters adjacent thereto within the following described limits: From a point on the East Coast of Vietnam at the juncture of Vietnam with China southeastward to 21° N Lat., 108° 15′ E Long.; thence southward to 18° N Lat., 108°15′ E Long.; thence southeastward to 17°30′ N Lat., 110°45′ E Long.; thence southward to 11° N Lat., 110°45′ E Long.; thence southwestward to 7° N Lat., 105° E Long.; thence westward to 7° N Lat., 103° E Long.; thence northward to 9°30′ N Lat., 103° E Long.; thence northeastward to 10°15′ N Lat., 104°27′ E Long.; thence northward to a point on the West Coast of Vietnam at the juncture of Vietnam with Cambodia.

LYNDON B. JOHNSON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3402 of this title.

§ 3402. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations in the Canal Zone

(a) For the purpose of section 3401 of this title, each post office in the Canal Zone postal service, to the extent that it provides mail service for members of the Armed Forces of the United States and of friendly foreign nations, shall be considered to be an Armed Forces post office established in an overseas area.

(b) The Department of Defense shall reimburse the postal service of the Canal Zone, out of any appropriations or funds available to the Department of Defense, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, and sums equal to the expenses incurred by, the postal service of the Canal Zone, as determined by the Governor of the Canal Zone, for matter sent in the mails, and in providing air transportation of mail, under section 3401 of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 757.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section

15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3403. Matter for blind and other handicapped persons

(a) The matter described in subsection (b) of this section (other than matter mailed under section 3404 of this title) may be mailed free of postage, if—

(1) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment and who are certified by competent authority as unable to read normal reading material in accordance with the provisions of sections 135a and 135b of title 2;

(2) no charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

(3) the matter may be opened by the Postal Service for inspection; and

(4) the matter contains no advertising.

(b) The free mailing privilege provided by subsection (a) of this section is extended to—

(1) reading matter and musical scores;

(2) sound reproductions;

(3) paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

(4) reproducers or parts thereof, for sound reproductions; and

(5) braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in subsection (a)(1) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 757.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

Section Referred to in Other Sections

This section is referred to in sections 2401, 3404, 3405, 3627 of this title.

§ 3404. Unsealed letters sent by blind or physically handicapped persons

Unsealed letters sent by a blind person or a person having a physical impairment, as described in section 3403(a)(1) of this title, in raised characters or sightsaving type, or in the form of sound recordings, may be mailed free of postage.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 758.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

Section Referred to in Other Sections

This section is referred to in sections 2401, 3403, 3405, 3627 of this title.

§ 3405. Markings

All matter relating to blind or other handicapped persons mailed under section 3403 or 3404 of this title, shall bear the words "Free Matter for the Blind or Handicapped", or words to that effect specified by the Postal Service, in the upper right-hand corner of the address area.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 758.)

Effective Date

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

Section Referred to in Other Sections

This section is referred to in sections 2401, 3627 of this title.

CHAPTER 36—POSTAL RATES, CLASSES, AND SERVICES

SUBCHAPTER I—POSTAL RATE COMMISSION

Sec.
3601. Establishment.
3602. Terms of office.
3603. Rules; regulations; procedures.
3604. Administration.

SUBCHAPTER II—PERMANENT RATES AND CLASSES OF MAIL

3621. Authority to fix rates and classes.
3622. Rates and fees.
3623. Mail classification.
3624. Recommended decisions of Commission.
3625. Action of the Governors.
3626. Reduced rates.
3627. Adjusting free and reduced rates.
3628. Appellate review.

SUBCHAPTER III—TEMPORARY RATES AND CLASSES

3641. Temporary changes in rates and classes.

SUBCHAPTER IV—POSTAL SERVICES AND COMPLAINTS

3661. Postal services.
3662. Rate and service complaints.

SUBCHAPTER V—GENERAL

3681. Reimbursement.
3682. Size and weight limits.
3683. Uniform rates for books; films; other materials.
3684. Limitations.
3685. Filing of information relating to periodical publications.

Chapter Referred to in Other Sections

This chapter is referred to in sections 204, 410, 2004, 2401 of this title.

SUBCHAPTER I—POSTAL RATE COMMISSION

§ 3601. Establishment

(a) The Postal Rate Commission is an independent establishment of the executive branch of the Government of the United States. The Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and concent[1] of the Senate. The Commissioners shall be chosen on the basis of their professional qualifications and may be removed by the President only for cause. Not more than 3 of the Commissioners may be adherents of the same political party.

[1] So in original. Probably should be "consent."

(b) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under section 3602 of this title.

(c) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

(d) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 759; Pub. L. 94-421, § 3(a), Sept. 24, 1976, 90 Stat. 1304.)

AMENDMENTS

1976—Pub. L. 94-421 designated existing provisions as subsec. (a), and as so designated, required that appointments by the President be subject to Senate confirmation, and substituted provision permitting the President to remove commissioners for cause, for provision which required a Civil Service Commission hearing for removal, and added subsecs. (b) to (d).

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

POSTAL RATE COMMISSIONER HOLDING OFFICE ON SEPTEMBER 24, 1976

Section 3(b) of Pub. L. 94-421 provided that: "The provisions of section 3601(a) of title 39, United States Code, as amended by subsection (a) of this section, shall not apply with respect to any Commissioner of the Postal Rate Commission holding office on the date of the enactment of this Act [Sept. 24, 1976], except that such provisions shall apply to any appointment of such a Commissioner occurring after the date of the enactment of this Act."

§ 3602. Terms of office

The Commissioners of the Postal Rate Commission shall serve for terms of 6 years except that—

(1) the terms of the Commissioners first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 2 years, 2 at the end of 4 years, and 2 at the end of 6 years, following the appointment of the first of them; and

(2) any Commissioner appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 759.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3601 of this title.

§ 3603. Rules; regulations; procedures

The Postal Rate Commission shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this chapter. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 759.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3604. Administration

(a) The Chairman of the Postal Rate Commission shall be the principal executive officer of the Commission. The Chairman shall exercise or direct the exercise of all the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment of personnel employed under the Commission, except that the appointment of heads of major administrative units under the Commission shall require the approval of a majority of the members of the Commission, (2) the supervision of the personnel employed under the Commission and the distribution of business among them and among the Commissioners, and (3) the use and expenditure of funds.

(b) In carrying out any of his functions under this section, the Chairman shall be governed by the general policies of the Commission.

(c) The Chairman may obtain such facilities and supplies as may be necessary to permit the Commission to carry out its functions. Any officer or employee appointed under this section shall be paid at rates of compensation and shall be entitled to programs offering employee benefits established under chapter 10 or chapter 12 of this title, as appropriate.

(d)(1) The Commission shall periodically prepare and submit to the Postal Service a budget of the Commission's expenses, including, but not limited to, expenses for facilities, supplies, compensation, and employee benefits. The budget shall be considered approved—

(A) as submitted if the Governors fail to act in accordance with subparagraph (B) of this paragraph; or

(B) as adjusted if the Governors holding office, by unanimous written decision, adjust the total amount of money requested in the budget.

Subparagraph (B) shall not be construed to authorize the Governors to adjust any item included within the budget.

(2) Expenses incurred under any budget approved under paragraph (1) of this subsection shall be paid out of the Postal Service fund established under section 2003 of this title.

(e) The provisions of section 410 and chapter 10 of this title shall apply to the Commission, as appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 759; Pub. L. 94-421, § 4, Sept. 24, 1976, 90 Stat. 1305.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-421 increased the authority of the Chairman to the exercise of all executive and administrative functions, including appointment of personnel and control over use and expenditure of funds, and struck out requirement that all final acts of the Commissioners be by a vote of an absolute majority.

Subsec. (b). Pub. L. 94-421 added subsec. (b). Former subsec. (b) was redesignated (c) and amended.

Subsec. (c). Pub. L. 94-421 redesignated former subsec. (b) as (c) and, as so redesignated, transferred authority to obtain facilities and supplies from the Commission to the chairman, and struck out the authority of the Commission to appoint and fix compensation of officers and employees and requiring them to be responsible to the Commissioners. Former subsec. (c) was redesignated (d).

Subsecs. (d), (e). Pub. L. 94-421 redesignated former subsecs. (c) and (d) as (d) and (e), respectively, and in subsec. (d), as so redesignated, made minor changes in phraseology.

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

TRANSITIONAL EXPENSES

Expenses of Postal Rate Commission from Aug. 12, 1970, until date of commencement of operations of Commission deemed administrative expenses of Post Office Department, see section 12 of Pub. L. 91-375, set out as a note under section 2004 of this title.

EX. ORD. NO. 11570. REGULATION OF CONDUCT FOR POSTAL RATE COMMISSION AND ITS EMPLOYEES

Ex. Ord. No. 11570, Nov. 24, 1970, 35 F.R. 18183, provided:

Under the Postal Reorganization Act (Public Law 91-375) [this title], the Postal Rate Commission (referred to hereafter as the "Commission") is charged with the establishment and adjustment of fair and equitable rates of postage, fees for postal services, and classifications of mail. It is essential to public confidence in the United States Postal Service that the activities, procedures, decisions, and recommendations of the Commission be impartial and disinterested and free from taint or suspicion of favoritism of any kind whatsoever, both in fact and in appearance.

NOW THEREFORE, by virtue of the authority vested in me by section 301 of Title 3, and Section 7301 of Title 5, United States Code, and the Postal Reorganization Act [this title], it is hereby ordered as follows:

SECTION 101. The Commission is subject to Executive Order No. 11222 of May 8, 1965 [set out as a note under section 201 of Title 18, Crimes and Criminal Procedure], "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and Part 735 of the regulations of the Civil Service Commission (5 CFR Part 735).

SEC. 102. The Civil Service Commission shall prepare initial standards of conduct regulations for the Commission. The regulations shall contain such provisions as will ensure that the Commissioners and employees of the Commission are fully guarded against involvement in conflicts of interest situations, or the appearance thereof, or other conduct that may lessen public confidence. The regulations shall include provision for:

(a) concurrent filing of confidential statements of outside employment and financial interests by employees of the Commission with a designated official of the Commission and the Chairman of the Civil Service Commission;

(b) strict control of *ex parte* contacts with the Commission and the Commissioners or employees of the Commission regarding particular matters at issue in contested proceedings before the Commission. The control of such contacts shall include, but not be limited to, the maintenance of public records of such contacts which fully identify the individuals involved and the nature of the subject matter discussed; and

(c) prohibition against the receipt of honoraria, travel expenses, entertainment, gifts, loans, favors, or anything of value by a Commissioner or employee of the Commission from an individual (other than one having a close family or personal relationship) or organization having, or likely to have, business with the Commission.

SEC. 103. The Civil Service Commission shall issue the initial standards of conduct regulations applicable to the Commission not later than 120 days after the effective date of this Order. Thereafter, the Commission may from time to time amend the regulations, consistent with this Order. The regulations and any amendments thereto shall be published in the FEDERAL REGISTER.

RICHARD NIXON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2003 of this title.

SUBCHAPTER II—PERMANENT RATES AND CLASSES OF MAIL

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3662, 3681, 3682 of this title.

§ 3621. Authority to fix rates and classes

Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of this chapter. Postal rates and fees shall be reasonable and equitable and sufficient to enable the Postal Service under honest, efficient, and economical management to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States. Postal rates and fees shall provide sufficient revenues so that the total estimated income and appropriations to the Postal Service will equal as nearly as practicable total estimated costs of the Postal Service. For purposes of this section, "total estimated costs" shall include (without limitation) operating expenses, depreciation on capital facilities and equipment, debt service (including interest, amortization of debt discount and expense, and provision for sinking funds or other retirements of obligations to the extent that such provision exceeds applicable depreciation charges), and a reasonable provision for contingencies.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 760.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CONTINUATION OF EXISTING RATES AND FEES

Section 3 of Pub. L. 91-375 provided that:

"The classes of mail, the rates of postage, and fees for postal services prescribed by law or regulation made or adopted prior to the effective date [see note above] of subchapter II of chapter 36 of title 39, United States Code, as enacted by section 2 of this Act, shall be in effect according to the terms of such law or regulation until changed in accordance with such subchapter."

Provisions of section 3 of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3622. Rates and fees

(a) From time to time the Postal Service shall request the Postal Rate Commission to submit a recommended decision on changes in a rate or rates of postage or in a fee or fees for postal services if the Postal Service determines that such changes would be in the public interest and in accordance with the policies of this title. The Postal Service may submit such suggestions for rate adjustments as it deems suitable.

(b) Upon receiving a request, the Commission shall make a recommended decision on the request for changes in rates or fees in each class of mail or type of service in accordance with the policies of this title and the following factors:

(1) the establishment and maintenance of a fair and equitable schedule;

(2) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;

(3) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to that class or type plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;

(4) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;

(5) the available alternative means of sending and receiving letters and other mail matter at reasonable costs;

(6) the degree of preparation of mail for delivery into the postal system performed by the mailer and its effect upon reducing costs to the Postal Service;

(7) simplicity of structure for the entire schedule and simple, identifiable relationships between the rates or fees charged the various classes of mail for postal services;

(8) the educational, cultural, scientific, and informational value to the recipient of mail matter; and

(9) such other factors as the Commission deems appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 760; Pub. L. 94-421, § 10, Sept. 24, 1976, 90 Stat. 1311.)

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-421 added par. (8) and redesignated former par. (8) as (9).

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3624, 3641 of this title.

§ 3623. Mail classification

(a) Within 2 years after the effective date of this subchapter, the Postal Service shall request the Postal Rate Commission to make a recommended decision on establishing a mail classification schedule in accordance with the provisions of this section.

(b) Following the establishment of the mail classification schedule requested under subsection (a) of this section, the Postal Service may from time to time request that the Commission submit, or the Commission may submit to the Governors on its own initiative, a recommended decision on changes in the mail classification schedule.

(c) The Commission shall make a recommended decision on establishing or changing the schedule in accordance with the policies of this title and the following factors:

(1) the establishment and maintenance of a fair and equitable classification system for all mail;

(2) the relative value to the people of the kinds of mail matter entered into the postal system and the desirability and justification for special classifications and services of mail;

(3) the importance of providing classifications with extremely high degrees of reliability and speed of delivery;

(4) the importance of providing classifications which do not require an extremely high degree of reliability and speed of delivery;

(5) the desirability of special classifications from the point of view of both the user and of the Postal Service; and

(6) such other factors as the Commission may deem appropriate.

(d) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 761; Pub. L. 94-421, § 8, Sept. 24, 1976, 90 Stat. 1310.)

REFERENCES IN TEXT

The effective date of this subchapter, referred to in subsec. (a), is Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94-421 substituted "Governors on" for "Postal Service on".

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3624, 3641 of this title.

§ 3624. Recommended decisions of Commission

(a) The Postal Rate Commission shall promptly consider a request made under section 3622 or 3623 of this title, except that the Commission shall not recommend a decision until the opportunity for a hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mails, and an officer of the Commission who shall be required to represent the interests of the general public.

(b) In order to conduct its proceedings with utmost expedition consistent with procedural fairness to the parties, the Commission may (without limitation) adopt rules which provide for—

(1) the advance submission of written direct testimony;

(2) the conduct of prehearing conferences to define issues, and for other purposes to insure orderly and expeditious proceedings;

(3) discovery both from the Postal Service and the parties to the proceedings;

(4) limitation of testimony; and

(5) the conduct of the entire proceedings off the record with the consent of the parties.

(c)(1) Except as provided by paragraph (2) of this subsection, in any case in which the Postal Service makes a request under section 3622 of this title for a recommended decision by the Commission on changes in a rate or rates of postage or in a fee or fees for postal services the Commission shall transmit its recommended decision to the Governors under subsection (d) of this section no later than 10 months after receiving any such request from the Postal Service.

(2) In any case in which the Commission determines that the Postal Service has unreasonably delayed consideration of a request made by the Postal Service under section 3622 by failing to respond within a reasonable time to any lawful order of the Commission, the Commission may extend the 10-month period described in paragraph (1) of this subsection by one day for each day of such delay.

(d) The Commission shall transmit its recommended decision in a rate, fee, or classification matter to the Governors. The recommended decision shall include a statement specifically responsive to the criteria established under section 3622 or 3623, as the case may be.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 761; Pub. L. 94-421 § 5(a), Sept. 24, 1976, 90 Stat. 1306.)

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-421 added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 94-421 redesignated former subsec. (c) as (d).

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

RATE CHANGE REQUEST MADE ON SEPTEMBER 18, 1975 OR UNDER DOCKET NUMBER R76-1

Section 5(b) of Pub. L. 94-421 provided that: "The amendment made by subsection (a) of this section [adding subsec. (c) of this section] shall not apply to any action or proceeding with respect to the recommended decision of the Postal Rate Commission relating to proposed changes in rates of postage, and in fees for postal services, requested on September 18, 1975, by the United States Postal Service in a request which bears, or which at any time has been included under, Postal Rate Commission Docket Number R76-1."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3628, 3641, 3662 of this title.

§ 3625. Action of the Governors

(a) Upon receiving a recommended decision from the Postal Rate Commission, the Governors may approve, allow under protest, reject, or modify that decision in accordance with the provisions of this section.

(b) The Governors may approve the recommended decision and order the decision placed in effect.

(c) The Governors may, under protest, allow a recommended decision of the Commission to take effect and (1) seek judicial review thereof under section 3628 of this title, or (2) return the recommended decision to the Commission for reconsideration and a further recommended decision, which shall be acted upon under this section and subject to review in accordance with section 3628 of this title.

(d) The Governors may reject the recommended decision of the Commission and the Postal Service may resubmit its request to the Commission for reconsideration. Upon resubmission, the request shall be reconsidered, and a further recommended decision of the Commission shall be acted upon under this section and subject to review in accordance with section 3268[1] of this title. However, with the unanimous written concurrence of all of the Governors then holding office, the Governors may modify any such further recommended decision of the Commission under this subsection if the Governors expressly find that (1) such modification is in accord with the record and the policies of this chapter, and (2) the rates recommended by the Commission are not adequate to provide sufficient total revenues so that total estimated income and appropriations will equal as nearly as practicable estimated total costs.

(e) The decision of the Governors to approve, allow under protest, reject, or modify a recommended decision of the Commission shall be in writing and shall include an estimate of anticipated revenue and a statement of explanation and justification. The decision, the record of the Commission's hearings, and the Commission's recommended decision shall be made generally available at the time the decision is issued and shall be printed and made available for sale by the Public Printer within 10 days following the day the decision is issued.

(f) The Board shall determine the date on which the new rates, fees, the mail classifica-

[1] So in original. Probably should be "3628".

tion schedule, and changes in such schedule under this subchapter shall become effective.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 762.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3662 of this title.

§ 3626. Reduced rates

(a) If the rates of postage for any class of mail or kind of mailer under former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, as such rates existed on the effective date of this subchapter, are, on the effective date of the first rate decision under this subchapter affecting that class or kind, less than the rates established by such decision, a separate rate schedule shall be adopted for that class or kind effective each time rates are established or changed under this subchapter, with annual increases as nearly equal as practicable, so that—

(1) the revenues received from rates for mail under former sections 4358, 4452(b) and (c), 4554(b) and (c) shall not, on and after the first day of the sixteenth year following the effective date of the first rate decision applicable to that class or kind, exceed the direct and indirect postal costs attributable to mail of such class or kind (excluding all other costs of the Postal Service);

(2) the rates for mail under former sections 4359, 4421, 4422, and 4554(a) shall be equal, on and after the first day of the eighth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail if this subparagraph had not been enacted; and

(3) the rates for mail under former section 4452(a) shall be equal, on and after the first day of the fifth year following the effective date of the first rate decision applicable to that class or kind, to the rates that would have been in effect for such mail if this subparagraph had not been enacted.

No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates.

(b)(1) For the purposes of this title, the term "periodical publications", as used in former section 4351 of this title, includes (A) any catalog or other course listing, including mail announcements of legal texts which are part of post-bar admission education issued by any institution of higher education or by a nonprofit organization engaged in continuing legal education; and (B) any looseleaf page or report (including any index, instruction for filing, table, or sectional identifier which is an integral part of such report) which is designed as part of a looseleaf reporting service concerning developments in the law or public policy.

(2) Any material described in paragraph (1) of this subsection shall qualify to be entered and mailed as second class mail in accordance with the applicable provisions of former section 4352 through former section 4357 of this title.

(3) For purposes of this subsection, the term "institution of higher education" has the meaning given it by section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(c) In the administration of this section, one conservation publication published by an agency of a State which is responsible for management and conservation of the fish or wildlife resources of such State shall be considered a publication of a qualified nonprofit organization which qualifies for rates of postage under former section 4358(d) of this title.

(d)(1) For purposes of this title, the term "agricultural", as used in former sections 4358(j)(2), 4452(d), and 4554(b)(1)(B) of this title, includes the art or science of cultivating land, harvesting crops or marine resources, or raising of livestock.

(2) In the administration of this section, and for purposes of former sections 4358(j)(2), 4452(d), and 4554(b)(1)(B) of this title, agricultural organizations or associations shall include any organization or association which collects and disseminates information or materials relating to agricultural pursuits.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 762; Pub. L. 93-328, § 1, June 30, 1974, 88 Stat. 287; Pub. L. 94-421, § 11, Sept. 24, 1976, 90 Stat. 1311.)

REFERENCES IN TEXT

Former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, referred to in subsec. (a), former sections 4351 and 4352 through 4357 of this title, referred to in subsec. (b), former section 4358 of this title, referred to in subsec. (c), and former sections 4358, 4452, and 4554 of this title, referred to in subsec. (d), mean the aforesaid sections which were classified to former Title 39, The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

The effective date of this subchapter, referred to in subsec. (a), is Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as Effective Date note preceding Part I of this title.

AMENDMENTS

1976—Pub. L. 94-421 designated existing provisions as subsec. (a), and added subsecs. (b) to (d).

1974—Pub. L. 93-328 substituted in subpar. (1) "sixteenth" for "tenth" year; in subpar. (2), substituted "under former sections" for "under sections", "eighth" for "fifth" year, and "subparagraph" for "subsection", and struck out reference to section "4452(a)" following "4422,"; and added subpar. (3).

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CONSTRUCTION RESPECTING POSTAGE RATES REDUCTION UNAUTHORIZED

Section 2 of Pub. L. 93-328 provided that: "Nothing in section 1 of this Act [amending subpars. (1) and (2) and enacting subpar. (3) of this section] shall be construed to authorize a reduction in any rate of postage in effect and being paid on the date of enactment of this Act [June 30, 1974]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2401, 3627 of this title.

§ 3627. Adjusting free and reduced rates

If Congress fails to appropriate an amount authorized under section 2401(c) of this title for any class of mail sent at a free or reduced rate under section 3217, 3403-3405, or 3626 of this title, or under the Federal Voting Assistance Act of 1955, the rate for that class may be adjusted in accordance with the provisions of this subchapter so that the increased revenues received from the users of such class will equal the amount for that class that the Congress was to appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 763.)

REFERENCES IN TEXT

The Federal Voting Assistance Act of 1955, referred to in text, is act Aug. 9, 1955, ch. 656, 69 Stat. 584, as amended, which is classified principally to subchapter I-D (§ 1973cc et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1973cc of Title 42 and Tables volume.

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3684 of this title.

§ 3628. Appellate review

A decision of the Governors to approve, allow under protest, or modify the recommended decision of the Postal Rate Commission may be appealed to any court of appeals of the United States, within 15 days after its publication by the Public Printer, by an aggrieved party who appeared in the proceedings under section 3624(a) of this title. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except as otherwise provided in this section, on the basis of the record before the Commission and the Governors. The court may affirm the decision or order that the entire matter be returned for further consideration, but the court may not modify the decision. The court shall make the matter a preferred cause and shall expedite judgment in every way. The court may not suspend the effectiveness of the changes, or otherwise prevent them from taking effect until final disposition of the suit by the court. No court shall have jurisdiction to review a decision made by the Commission or Governors under this chapter except as provided in this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 763.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3625, 3641, 3662, 3681 of this title.

SUBCHAPTER III—TEMPORARY RATES AND CLASSES

§ 3641. Temporary changes in rates and classes

(a) In any case in which the Postal Rate Commission fails to transmit a recommended decision on a change in rates of postage or in fees for postal services to the Governors in accordance with section 3624(c) of this title, the Postal Service may establish temporary changes in rates of postage and in fees for postal services in accordance with the proposed changes under consideration by the Commission. Such temporary changes may take effect upon such date as the Postal Service may determine, except that such temporary changes may take effect only after 10 days' notice in the Federal Register.

(b) Any temporary rate or fee established by the Postal Service under subsection (a) of this section shall be in accordance with the policies of this title and shall not exceed such amount as may be necessary for sufficient revenues to assure that the total estimated income, including appropriations, of the Postal Service shall, to the extent practicable, be equal to the total estimated costs of the Postal Service.

(c) Notwithstanding the provisions of subsection (b) of this section, the Postal Service may not establish any temporary rate for a class of mail or any temporary fee for a postal service which is more than the permanent rate or fee requested for such class or postal service by the Postal Service under section 3622 of this title.

(d) Any temporary change in rates of postage or in fees for postal services made by the Postal Service under this section shall remain in effect no longer than 150 days after the date on which the Commission transmits its recommended decision to the Governors under section 3624(d) of this title, unless such temporary change is terminated by the Governors before the expiration of such period.

(e) If the Postal Rate Commission does not transmit to the Governors within 90 days after the Postal Service has submitted, or within 30 days after the Postal Service has resubmitted, to the Commission a request for a recommended decision on a change in the mail classification schedule (after such schedule is established under section 3623 of this title), the Postal Service, upon 10 days' notice in the Federal Register, may place into effect temporary changes in the mail classification schedule in accordance with proposed changes under consideration by the Commission. Any temporary change shall be effective for a period ending not later than 30 days after the Commission has transmitted its recommended decision to the Governors.

(f) If, under section 3628 of this title, a court orders a matter returned to the Commission for further consideration, the Postal Service, with the consent of the Commission, may place into effect temporary changes in rates of postage, and fees for postal services, or in the mail classification schedule.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 763; Pub. L. 94-421, § 6(a), Sept. 24, 1976, 90 Stat. 1306.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-421 added subsec. (a). Former subsec. (a) redesignated (e) and amended.

Subsec. (b). Pub. L. 94-421 added subsec. (b). Former subsec. (b) redesignated (f).

Subsec. (c). Pub. L. 94-421 substituted provision limiting the temporary rate increase to an amount no greater than the permanent fee requested for that class or service, for provision which limited a temporary increase to the lesser of either the rate or fee requested or an amount more than one-third greater than the permanent fee in effect for that class or service at the time a permanent change is requested.

Subsec. (d). Pub. L. 94-421 added subsec. (d).

Subsec. (e). Pub. L. 94-421 redesignated former subsec. (a) as (e) and, as so redesignated, struck out reference to requests for decisions on change in the rates of postage or fees for postal service.

Subsec. (f). Pub. L. 94-421 redesignated former subsec. (b) as (f).

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

RATE CHANGE REQUEST MADE ON SEPTEMBER 18, 1975 OR UNDER DOCKET NUMBER R76-1

Section 6(b)(1) of Pub. L. 94-421 provided that: "The amendment made by subsection (a) of this section [amending this section] shall not apply to any action or proceeding with respect to the recommended decision of the Postal Rate Commission relating to proposed changes in rates of postage and in fees for postal services requested on September 18, 1975, by the United States Postal Service in a request which bears, or which at any time has been included under, Postal Rate Commission Docket Number R76-1."

APPLICABILITY OF FORMER PROVISIONS OF SECTION TO RATE CHANGE REQUEST MADE ON SEPTEMBER 18, 1975, UNDER DOCKET NUMBER R76-1

Section 6(b)(2) of Pub. L. 94-421 provided that: "The provisions of section 3641 of title 39, United States Code, as such provisions were in effect on the day before the date of the enactment of this Act [Sept. 24, 1976], shall apply to any temporary rate or fee established by the Postal Service pursuant to its request to the Postal Rate Commission, dated September 18, 1975, for a recommended decision, bearing Docket Number R76-1."

SUBCHAPTER IV—POSTAL SERVICES AND COMPLAINTS

§ 3661. Postal services

(a) The Postal Service shall develop and promote adequate and efficient postal services.

(b) When the Postal Service determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis, it shall submit a proposal, within a reasonable time prior to the effective date of such proposal, to the Postal Rate Commission requesting an advisory opinion on the change.

(c) The Commission shall not issue its opinion on any proposal until an opportunity for hearing on the record under sections 556 and 557 of title 5 has been accorded to the Postal Service, users of the mail, and an officer of the Commission who shall be required to represent the interests of the general public. The opinion shall be in writing and shall include a certification by each Commissioner agreeing with the opinion that in his judgment the opinion conforms to the policies established under this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 764.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

COMMISSION ON POSTAL SERVICE

Pub. L. 94-421, § 7, Sept. 24, 1976, 90 Stat. 1307, related to the establishment, appointment and compensation of personnel and officers of a Commission on Postal Service and its duty to determine the public service aspects of the Postal Service and the extent to which the public service aspects of the Postal Service are to be supported by appropriations, to study rate making, and to review service levels and electronic fund transfers and communication techniques, with appropriate recommendations to be transmitted to the President and Congress on or before Mar. 15, 1977, 60 days after which transmittal it was to cease to exist.

§ 3662. Rate and service complaints

Interested parties who believe the Postal Service is charging rates which do not conform to the policies set out in this title or who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Postal Rate Commission in such form and in such manner as it may prescribe. The Commission may in its discretion hold hearings on such complaint. If the Commission, in a matter covered by subchapter II of this chapter, determines the complaint to be justified, it shall, after proceedings in conformity with section 3624 of this title, issue a recommended decision which shall be acted upon in accordance with the provisions of section 3625 of this title and subject to review in accordance with the provisions of section 3628 of this title. If a matter not covered by subchapter II of this chapter is involved, and the Commission after hearing finds the complaint to be justified, it shall render a public report thereon to the Postal Service which shall take such action as it deems appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 764.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SUBCHAPTER V—GENERAL

§ 3681. Reimbursement

No mailer may be reimbursed for any amount paid under any rate or fee which, after such payment, is determined to have been unlawful after proceedings in accordance with the provisions of section 3628 of this title, or is superseded by a lower rate or fee established under subchapter II of this chapter.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 764.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section

15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3682. Size and weight limits

(a) Except as provided in subsection (b) of this section—

(1) the maximum weight of mail other than letter mail is 40 pounds; and

(2) the maximum size is—

(A) 78 inches in girth and length combined before July 1, 1971; and

(B) 84 inches in girth and length combined on and after July 1, 1971.

(b) The maximum size on mail, other than letter mail, is 100 inches in girth and length combined, and the maximum weight is 70 pounds if the mail—

(1) is mailed at, or addressed for delivery at, other than first-class post offices or on rural or star routes, as such offices and routes existed on the day prior to the effective date of this section, as determined by the Postal Service;

(2) contains baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities;

(3) would have been entitled to be mailed under former section 4554 of this title;

(4) is addressed to or mailed at any Armed Forces post office outside the 50 States; or

(5) is addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Canal Zone and the Trust Territory of the Pacific Islands.

(c) The Postal Service may establish size and weight limitations for letter mail in the same manner as prescribed for changes in classification under subchapter II of this chapter.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 765.)

References in Text

The effective date of this section, referred to in subsec. (b)(1), is Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

Former section 4554 of this title, referred to in subsec. (b)(3), means section 4554 of former Title 39, The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

Effective Date

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

Section Referred to in Other Sections

This section is referred to in section 3684 of this title.

§ 3683. Uniform rates for books; films; other materials

(a) Notwithstanding any other provision of this title, the rates of postage established for mail matter enumerated in former section 4554 of this title shall be uniform for such mail of the same weight, and shall not vary with the distance transported.

(b) The rates for mail matter specified in former section 4554(a)(1) or 4554(b)(2)(A) of this title, when mailed from a publisher or a distributor to a school, college, university, or library, shall be the rate currently in effect for such mail matter under the provisions of former section 4554(b)(1) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 765; Pub. L. 94-421, § 12, Sept. 24, 1976, 90 Stat. 1312.)

References in Text

Former section 4554 of this title, referred to in text, means section 4554 of former Title 39, The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

Amendments

1976—Pub. L. 94-421 designated existing provisions as subsec. (a), and added subsec. (b).

Effective Date

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

Section Referred to in Other Sections

This section is referred to in section 3684 of this title.

§ 3684. Limitations

Except as provided in section 3627 of this title, no provision of this chapter shall be construed to give authority to the Governors to make any change in any provision of section 3682 or 3683 or chapter 30, 32, or 34 of this title, or of the Federal Voting Assistance Act of 1955.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 765.)

References in Text

The Federal Voting Assistance Act of 1955, referred to in text, is act Aug. 9, 1955, ch. 656, 69 Stat. 584, which is classified principally to subchapter I-D (§ 1973cc et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1973cc of Title 42 and Tables volume.

Effective Date

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 3685. Filing of information relating to periodical publications

(a) Each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service at least once a year, and shall publish in such publication once a year, information in such form and detail and at such time as the Postal Service may require with respect to—

(1) the identity of the editor, managing editor, publishers, and owners;

(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

(3) the identity of known bondholders, mortgagees, and other security holders;

(4) the extent and nature of the circulation of the publication, including, but not limited

to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

(5) such other information as the Postal Service may deem necessary to determine whether the publication meets the standards for periodical publication mail privileges.

The Postal Service shall not require the names of persons owning less than 1 percent of the total amount of stocks, bonds, mortgages, or other securities.

(b) Each publication having such mail privileges shall furnish to the Postal Service information in such form and detail, and at such times, as the Postal Service requires to determine whether the publication continues to qualify for such privileges.

(c) The Postal Service shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of periodical publication mail privileges for failure to furnish the required information.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 765.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 611.

PART V—TRANSPORTATION OF MAIL

Chap.		Sec.
50.	General	5001
52.	Transportation of Mail by Surface Carrier	5201
54.	Transportation of Mail by Air	5401
56.	Transportation of Mail by Vessel	5601

CHAPTER 50—GENERAL

Sec.
5001. Provisions for carrying mail.
5002. Transportation of mail of adjoining countries through the United States.
5003. Establishment of post roads.
5004. Discontinuance of service on post roads.
5005. Mail transportation.
5006. Lien on compensation of contractor.
5007. Free transportation of postal employees.

§ 5001. Provisions for carrying mail

The Postal Service shall provide for the transportation of mail in accordance with the policies established under section 101(e) and (f) of this title and the provisions of this chapter. Notwithstanding any other provision of this title, the Postal Service may make arrangements on a temporary basis for the transportation of mail when, as determined by the Postal Service, an emergency arises. Such arrangements shall terminate when the emergency ceases and the Postal Service is promptly able to secure transportation services under other provisions of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 766.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5002. Transportation of mail of adjoining countries through the United States

The Postal Service, with the consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 766.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5003. Establishment of post roads

The following are post roads:

(1) the waters of the United States, during the time the mail is carried thereon;

(2) railroads or parts of railroads and air routes in operation;

(3) canals, during the time the mail is carried thereon;

(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

(5) letter-carrier routes established for the collection and delivery of mail.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 766.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5004. Discontinuance of service on post roads

The Postal Service may discontinue service on a post road or part thereof when, in its opinion, the public interest so requires.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 767.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5005. Mail transportation

(a) The Postal Service may obtain mail transportation service—

(1) from common carriers by rail and motor vehicle or persons as provided in chapter 52 of this title;

(2) from air carriers as provided in chapter 54 of this title;

(3) from water carriers as provided in chapter 56 of this title; and

(4) by contract from any person (as defined in section 5201(7) of this title) or carrier for

surface and water transportation under such terms and conditions as it deems appropriate, subject to the provisions of this section.

(b)(1) Contracts for the transportation of mail procured under subsection (a)(4) of this section shall be for periods not in excess of 4 years (or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years) and shall be entered into only after advertising a sufficient time previously for proposals. The Postal Service, with the consent of the holder of any such contract, may adjust the compensation allowed under that contract for increased or decreased costs resulting from changed conditions occurring during the term of the contract.

(2) A contract under subsection (a)(4) of this section may be renewed at the existing rate by mutual agreement between the contractor or subcontractor and the Postal Service.

(3) Any contract between the Postal Service and any carrier or person for the transportation of mail shall be available for inspection in the office of the Postal Service and either the Interstate Commerce Commission or the Civil Aeronautics Board, as appropriate, and in post offices on the post roads involved as determined by the Postal Service, at least 15 days prior to the effective date of the contract.

(c) The Postal Service, in determining whether to obtain transportation of mail by carrier or person under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 767; Pub. L. 92-286, May 1, 1972, 86 Stat. 133.)

AMENDMENTS

1972—Subsec. (b)(2). Pub. L. 92-286 substituted "contractor or subcontractor" for "holder".

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5006. Lien on compensation of contractor

(a) A person who—

(1) performs service for a contractor or subcontractor in the transportation of mail;

(2) files his contract for service with the Postal Service; and

(3) files satisfactory evidence of performance with the Postal Service;

shall have a lien on money due the contractor or subcontractor for the service.

(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 767.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5007. Free transportation of postal employees

Each person or carrier engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons on duty in charge of the mails or when traveling to and from such duty.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CROSS REFERENCES

Inapplicability of certain restructions in Shipping Act to postal employees, see sections 817b, 817c of Title 46, Shipping.

CHAPTER 52—TRANSPORTATION OF MAIL BY SURFACE CARRIER

Sec.
5201. Definitions.
5202. Applicability.
5203. Authorization of service by carrier.
5204. Changes in service; placement of equipment.
5205. Evidence of service.
5206. Fines and deductions.
5207. Interstate Commerce Commission to fix rates.
5208. Procedures.
5209. Special rates.
5210. Intermodal transportation.
5211. Statistical studies.
5212. Special contracts.
5213. Carrier operations; receipts; expenditures.
5214. Agreements with passenger common carriers by motor vehicle.
5215. Star route certification.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 5005 of this title.

§ 5201. Definitions

For purposes of this chapter—

(1) "Commission" means the Interstate Commerce Commission;

(2) "carrier" and "regulated surface carrier" mean a railroad, a freight forwarder, a motor carrier, or an express company;

(3) "railroad" means a railway common carrier, including an electric urban and interurban railway common carrier;

(4) "freight forwarder" means any regulated freight forwarder which holds itself out to the general public as a common carrier to transport or provide transportation of property as authorized by a permit issued by the Commission;

(5) "motor carrier" means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of

section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Commission;

(6) "express company" means any express company engaged in transportation as a common carrier for hire under section 1(3) of title 49;

(7) "person" includes any person other than a carrier holding a certificate of public convenience and necessity issued by the Commission; and

(8) "mail" includes equipment and supplies of the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5005 of this title.

§ 5202. Applicability

This chapter applies to mail transportation performed by any person or carrier or carrier combination regardless of the mode of transportation actually used to provide the service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5203. Authorization of service by carrier

(a) The Postal Service may establish mail routes and authorize mail transportation service thereon.

(b) A carrier shall transport mail offered for transportation by the Postal Service in the manner, under the conditions, and with the service prescribed by the Postal Service. A carrier is entitled to receive fair and reasonable compensation for the transportation and service connected therewith.

(c) The Postal Service shall determine the trains or motor vehicles upon which mail shall be transported, except that no carrier shall be compelled to transport mail on any train or vehicle which is operated exclusively for the transportation of passengers and their baggage.

(d) A carrier shall transport with due speed such mail as the Postal Service directs under this section.

(e) No carrier shall be required to serve territory it is not otherwise authorized to serve, to provide service for the Postal Service at a rate which is less than compensatory cost, or to provide service at a detriment to the carrier or its other customers.

(f) Any order or determination of the Postal Service providing for the transportation of mail by a motor carrier shall be filed with the Commission. If the Commission finds, within 90 days after the filing, that the order or determination will be detrimental to the motor carrier or its other customers, or that such carrier does not operate equipment suitable for the transportation of mail, the order or determination shall be terminated.

(g) An order or determination of the Postal Service under this section shall be consistent with the orders of the Commission under sections 5207 and 5208 of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5206 of this title.

§ 5204. Changes in service; placement of equipment

(a) The Postal Service may authorize, according to the need therefor, new or additional mail transportation service by carriers at the rate or compensation fixed under this chapter. It may reduce or discontinue service with pro rata reductions in compensation and indemnity for the loss of reasonable investment in equipment used exclusively for mail.

(b) A railroad shall place cars used for full or apartment post office service in position at such times before departure as the Postal Service directs.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 769.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5205. Evidence of service

A carrier shall submit evidence of its performance of mail transportation service, signed by an authorized official, in such form and at such times as the Postal Service requires. Mail transportation service is considered that of the carrier performing it regardless of the ownership of the property used by the carrier.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 769.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5206. Fines and deductions

(a) The Postal Service may fine any carrier an amount not to exceed $500 for each day the carrier refuses to perform mail transportation services required by it at rates or compensation established under this chapter.

(b) The Postal Service shall fine a carrier an amount it deems reasonable for failure or refusal by that carrier to transport mail as required by the Postal Service under section 5203 of this title.

(c) The Board may make deductions from the compensation of a carrier for failure to perform mail transportation service as required under section 5203 of this title. If the failure to perform is due to the fault of the carrier, it may deduct a sum not exceeding twice the compen-

sation applying to such service. Such deductions shall not be made prior to the expiration of 60 days following service upon the carrier by the Board of notice of intention to assess a fine or make a deduction and of the basis therefor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 769.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5207. Interstate Commerce Commission to fix rates

(a) The Commission shall determine and fix the fair and reasonable rates or compensation for the transportation of mail by carrier and the service connected therewith, and shall prescribe the method of computing such rates or compensation. The Commission shall publish its orders stating its determination under this section which shall remain in force until changed by it after notice and hearing.

(b) For the purpose of determining and fixing rates or compensation under this section, the Commission may make just and reasonable classifications of carriers and, where just and equitable, fix general rates applicable to carriers in the same classification.

(c) In determining and fixing fair and reasonable rates or compensation under this section, the Commission shall consider the relation between the Government and carriers as public service corporations, and the nature of public service as distinguished, if there is a distinction, from the ordinary transportation business of the carriers.

(d) Initial rates or compensation for mail transportation service by any carrier or carriers shall be those agreed to by the Postal Service and the carrier or carriers, and such rates or compensation shall continue in effect until such time as the Commission fixes the rates or compensation under subsection (a) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 770.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5203, 5208, 5212 of this title.

§ 5208. Procedures

(a) At any time after 6 months from the entry of an order stating the Commission's determination under section 5207 of this title, the Postal Service or an interested carrier may apply for a reexamination and substantially similar proceedings as have theretofore been had shall be followed with respect to the rates of compensation for services covered by the application. At the conclusion of the hearing the Commission shall enter an order stating its determination.

(b) Except as authorized by sections 5207(d), 5209, 5210, and 5212 of this title, the Postal Service shall pay a carrier the rates or compensation so determined and fixed for application at such stated times as named in the order.

(c) The Postal Service may file with the Commission a comprehensive plan stating—

(1) its requirements for the transportation of mail by carrier;

(2) the character and speed of the trains or motor vehicles which are to carry the various kinds of mail;

(3) the service, both terminal and en route, which carriers are to render;

(4) what it believes to be the fair and reasonable rates or compensation for the services required; and

(5) all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the Commission.

(d) When a comprehensive plan is filed, the Commission shall give notice of not less than 30 days to each carrier required by the Postal Service to transport mail pursuant to such plan. A carrier may file its answer at the time fixed by the Commission, but not later than 30 days after the expiration date fixed by the Commission in the notice, and the Commission shall proceed with the hearing.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 770.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5203 of this title.

§ 5209. Special rates

Upon petition by the Postal Service, the Commission shall determine and fix carload or truckload, or less than carload or truckload, rates for the transportation of mail not entitled to high priority in transportation. A carrier shall perform the service at the rates so determined when requested to do so and under the conditions prescribed by the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 770.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5208 of this title.

§ 5210. Intermodal transportation

The Postal Service may permit a carrier to perform mail transportation by any form of transportation it deems appropriate at rates or compensation not exceeding those allowable for similar service by the designated form of transportation.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section

15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5208 of this title.

§ 5211. Statistical studies

The Postal Service may arrange for weighing and measuring mail transported on carrier mail routes and make other computations for statistical and administrative purposes to carry out the purposes of this chapter.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5212. Special contracts

The Postal Service may enter into special contracts with any carrier or person, without advertising, for bids and for periods not in excess of 4 years. It may contract to pay lower rates or compensation or, where in its judgment conditions warrant, higher rates or compensation than those determined or fixed by the Commission. The fact that the Commission has not prescribed rates or compensation for the carrier involved, under section 5207 of this title, shall not preclude execution of a contract under this section. Such contracts may be negotiated only after reasonable notice has been posted in advance in post offices on the post roads to be served, and other carriers or persons have been given an opportunity to offer to negotiate for the transportation of mail.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5208 of this title.

§ 5213. Carrier operations; receipts; expenditures

The Postal Service shall request any carrier transporting the mails to furnish, under seal, such data relating to the operations, receipts, and expenditures of such carrier as may, in its judgment, be deemed necessary to enable it to ascertain the cost of mail transportation and the proper compensation to be paid for such service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5214. Agreements with passenger common carriers by motor vehicle

The Postal Service may enter into contracts under such terms and conditions as it shall prescribe and without advertising for bids for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers, or by motor vehicles over the regular routes on which the carrier is permitted by law to transport passengers.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5215. Star route certification

(a) Any person who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this section (or successor in interest to any such person), shall, upon application to the Commission for the territory within which such contractor operated on or before the effective date of this section be issued a certificate of public convenience and necessity as a motor carrier for the transportation of mail by the Commission without the Commission's requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

(b) Applications of persons who were not contractors on the effective date of this section shall be decided in accordance with applicable Commission procedure.

(c) For purposes of this section, the term "person" has the same meaning given that term under section 1 of title 1.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 771.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsecs. (a) and (b), is July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 54—TRANSPORTATION OF MAIL BY AIR

Sec.
5401. Authorization.
5402. Contracts for transportation of mail by air.
5403. Fines.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 5005 of this title.

§ 5401. Authorization

(a) The Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft.

(b) Except as otherwise provided in section 5402 of this title, the Postal Service may make such rules, regulations, and orders consistent with sections 1301-1542 of title 49, or any order, rule, or regulation made by the Civil Aeronautics Board thereunder, as may be necessary for such transportation.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 772.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5402. Contracts for transportation of mail by air

(a) The Postal Service may contract with any certificated air carrier, without advertising for bids, in such manner and under such terms and conditions as it deems appropriate, for the transportation of mail by aircraft between any of the points between which the carrier is authorized by the Civil Aeronautics Board to engage in the transportation of mail. Such contracts shall be for the transportation of at least 750 pounds of mail per flight, and no more than 10 percent of the domestic mail transported under any such contract or 5 percent, based on weight, of the international mail transported under any such contract shall consist of letter mail. Any such contract shall be filed with the Civil Aeronautics Board not later than 90 days before its effective date. Unless the Civil Aeronautics Board shall determine otherwise (under criteria prescribed by section 1302 of title 49) not later than 10 days prior to the effective date of the contract, such contract shall become effective.

(b) When the Postal Service deems that the transportation of mail by aircraft is required between points between which the Civil Aeronautics Board has not authorized an air carrier or combination of air carriers to engage in the transportation of mail, it may contract with any air carrier in such manner and under such terms and conditions as it may deem appropriate for the transportation of any class or classes of mail. The transportation of mail under contracts entered into under this subsection is not, except for sections 1371(k) and 1386(b) of title 49, air transportation within the provisions of sections 1301-1542 of title 49. The Postal Service shall cancel such contract, in whole or in respect to certain points as the certificate shall require, upon the issuance by the Civil Aeronautics Board of an authorization under sections 1371-1386 of title 49 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the contract, and the inauguration of scheduled service by such carrier.

(c) If the Postal Service determines that service by certificated air carriers or combination of air carriers between any pair or pairs of points is not adequate for its purposes, it may contract for a period of not more than 4 years, without advertising for bids, in such manner and under such terms and conditions as it may deem appropriate, with any air taxi operator or combination thereof for such air transportation service. Contracts made under this subsection may be renewed at the existing rate by mutual agreement between the holder and the Postal Service. The Postal Service, with the consent of the air taxi operator, may adjust the compensation under such contracts for increased or decreased costs occasioned by changed conditions occurring during the contract term. The Postal Service shall cancel such a contract when the Civil Aeronautics Board authorizes an additional certificated carrier or carriers to provide service between any pair or pairs of points covered by the contract, and such carrier or carriers inaugurate schedules adequate for its purposes.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 772.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5401 of this title; title 49 section 1375.

§ 5403. Fines

The Postal Service may impose or remit fines on carriers transporting mail by air on routes extending beyond the borders of the United States for—

(1) unreasonable on unnecessary delay to mail; and

(2) other delinquencies in the transportation of the mail.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

CHAPTER 56—TRANSPORTATION OF MAIL BY VESSEL

Sec.
5601. Sea post service.
5602. Termination of contracts for foreign transportation.
5603. Transportation of mail by vessel as freight or express.
5604. Fines on ocean carriers.
5605. Contracts for transportation of mail by vessel.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 5005 of this title.

§ 5601. Sea post service

The Postal Service may maintain sea post service on ocean vessels conveying mail to and from the United States.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5602. Termination of contracts for foreign transportation

Contracts for the transportation of mail by vessel between the United States and a foreign port shall be made subject to cancellation by the Postal Service or the Congress.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section

15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5603. Transportation of mail by vessel as freight or express

The Postal Service may require that mail be transported by freight or express when—

(1) there is no competition on a water route and the rate or compensation asked is excessive; or

(2) no proposal is received.

A common carrier by water that fails or refuses to transport the mail when required to do so under this section shall be fined not more than $500 for each day of refusal.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5604. Fines on ocean carriers

The Postal Service may impose or remit fines on carriers transporting mail by vessel on routes extending beyond the borders of the United States for—

(1) unreasonable or unnecessary delay to the mails; and

(2) other delinquencies in the transportation of mail.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.

§ 5605. Contracts for transportation of mail by vessel

The Postal Service may contract for the transportation of mail by vessel without advertising for bids for periods of not in excess of 4 years.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 773.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding Part I of this title.